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**GENERAL AND LOCAL LAWS**

**AND**

**JOINT RESOLUTIONS,**

**PASSED BY THE**

**FIFTY-FIFTH GENERAL ASSEMBLY**

**OF THE**

**STATE OF OHIO,**

**AT ITS SECOND SESSION**

**BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1863,**

**AND**

**IN THE SIXTY-FIRST YEAR OF SAID STATE.**

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**VOLUME LX.**

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**COLUMBUS:**  
**RICHARD NEVINS, STATE PRINTER.**  
**1863.**



# GENERAL LAWS.

## AN ACT

Making partial appropriations of the general revenue for the year 1863.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be, and they are hereby appropriated out of any money in the state treasury for general purposes, for the year 1863, for the following purposes: For the governor's extraordinary military contingent fund, to pay for the removal of sick and wounded soldiers of this state, and expenses incident thereto, the sum of fifteen thousand dollars. This provision shall extend to sick and wounded soldiers, whether serving in regiments from this state, or of other states, or in the regular service, who were, at the time of their enlistment, residents of this state.

Governor's extraordinary military contingent fund.

**SEC. 2.** For the care of the state house, two hundred dollars.

Care of state house.

**SEC. 3.** This act shall take effect on its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

January, 20, 1863.

## AN ACT

Supplementary to "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and to regulate and establish the grade of wharfs and landing places in cities containing a population exceeding eighty thousand inhabitants.

Sw. & Cr. p. 1493.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the city council of cities of the first class, having a population exceeding eighty thousand inhabitants, shall have the power to control and establish the grade of wharfs or landing places within the corporate limits of any such city.

Power of city council as to grades of wharves, &c.

**SEC. 2.** That all wharfs or landing places hereafter constructed shall conform to a uniform grade thereof, to be established by the council of such cities, and it shall be unlawful for the owner, lessee or occupant of such property to construct any wharf or landing place without

Uniform grade to be observed.

Consent of  
council neces-  
sary.

first obtaining the consent of the city council, and conforming to the established grade.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

January 30, 1863.

#### AN ACT

Sw. & Cr. 1513. To further amend the sixty-first section of the act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and amended by an act passed April 29, 1854.

General pow-  
ers and duties  
of city coun-  
cil.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-one of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and amended by an act passed April 29, 1854, be so amended as to read as follows: Section 61. The city council shall possess all the legislative powers granted in this act, and other corporate powers of the city, not herein, or by some ordinance of the city council, made in pursuance of this act, conferred on some officer of the city; they shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation. They shall provide times and places of holding their meetings, which shall at all times be open to the public, and the mayor, or any three trustees, may call special meetings, by notice to each of the members of the council, served personally, or left at his usual place of abode. They shall appoint, or provide by ordinance, that the qualified voters of the city, or of the wards, or districts, as the case may require, shall elect all such city officers as shall be necessary for the good government of said city, and for the due exercise of its corporate powers, and which shall have been provided for by ordinance, as to whose appointment or election, provision is not herein made, and not provided for by any general law of the state, in reference to cities of the first class; and all city officers, whose term of office is not prescribed, and whose powers and duties are not defined in the act to which this is amendatory, or some general act amendatory thereto, shall perform such duties, exercise such powers, and continue in office for such term of time, not less than two nor more than three years, as shall be prescribed by ordinance, but all officers to be elected, shall be elected at the regular annual election for municipal corporations. The officers of all municipal corporations shall receive such compensation and fees for their services as the trustees shall by ordinance prescribe: Provided, that the council or trustees shall receive no compensation for their services, except when acting as judges of elections, when they shall receive such compensation as is provided by law for judges of elections.

No compensa-  
tion allowed,  
except, &c.

Sec. 2. That section sixty-one of the act to which this act is amendatory, be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after the first Monday in April, in the year one thousand eight hundred and sixty-three. When to take effect.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

February 9, 1863.

#### AN ACT

Further to extend the limitation of actions in relation to persons in the military or naval service during the present war.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if a cause of action shall have existed or accrued, or shall exist or accrue, in favor of or against any person who has been or shall be engaged during the present war, in the military or naval service of the United States, or of this state, the time of such service shall not be computed as any part of the period within which such action must be commenced. Any other law or statute to the contrary notwithstanding. Time spent in service, not to be computed in case of action.

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

February 9, 1863.

#### AN ACT

For the better protection of bees and their products.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons who unlawfully enters the premises of another, for the purpose of disturbing or carrying away any box, gum, or vessel containing bees or honey, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the jail of the county not exceeding sixty days, or both, at the discretion of the court, and shall make restitution to the party injured in double the amount of damages sustained. Disturbing or carrying off bees or honey a misdemeanor.

Sec. 2. All prosecutions under the provisions of this act, shall be by indictment in the court of common pleas, of the proper county, or by action for damages before any court in said county having jurisdiction of the amount claimed, and shall be commenced within one year from the time the offense shall have been committed ; and all fines col. When and how to be prosecuted.



lected under the provisions of this act shall be paid into the treasury of the proper county, for the use of common schools.

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

February 9, 1863.

#### AN ACT

To authorize the construction of sewers in cities of the second class, having over thirteen thousand inhabitants at the last federal census.

How cities to  
be divided  
into sewerage  
districts.

Action of  
council there-  
on.

Sw. & Cr. 1546

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the second class, having at the last federal census not less than thirteen thousand inhabitants, may appoint a committee of three freeholders, to divide such city, or such portion of such city as the council may deem expedient, into sewerage districts, who shall proceed to divide cities, or portions thereof, into districts for main sewers, and to designate the boundary line within which all lots or lands shall be subject to assessment, according to benefits for constructing or reconstructing any main sewer, and all costs and expenses incident thereto, and report the same to the council. After their report is filed, the council shall cause not less than two weeks' notice to be given, in the official newspaper of the city, that at a time specified in such notice, such report will come before the council for confirmation. Objections shall be in writing, and filed with the city clerk, and objectors may be heard before the council, at the time specified in the notice. The council may set such report aside on their own motion, or they may, after hearing objections, confirm the same. If the council set the first, or any other report of such committee, aside, they may appoint another committee of the same qualifications as hereinbefore provided; and all proceedings thereafter shall be the same as is prescribed in the first proceedings. After the report of such committee shall have been confirmed as aforesaid, the council may at any time direct the city engineer to make an estimate of the cost of constructing any main sewer, and the council shall then appoint assessors, as prescribed by section six of the act passed April 8th, 1856, entitled an act supplementary to an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852; and all proceedings thereafter shall be as prescribed by section six of said act, until such assessment shall have been confirmed by the council; after which the council may order, from time to time, any portion of any main sewer which they may deem expedient to be constructed or reconstructed, and assess, from time to time, as they may order the construction of any main sewer, such percentage of the original assessment for the construction of such main sewer, as may be necessary to pay the cost of constructing such portion of such main sewer, and the expenses incident thereto, to be collected from the lots and lands as shall be liable to be assessed for such main sewer, and

may order such assessment to be certified to the county auditor of the county in which such city is situated, to be placed on the county duplicate, and collected as other taxes are collected; and such assessment shall be a lien upon such lots and lands, the same as other state and county taxes, and subject to the same penalties, if delinquent.

SEC. 2. In confirming any assessment, the council may correct any errors in description of any lots or lands which may be made by the assessors. Should any division or subdivision of lots or lands assessed for sewerage purposes, or for land appropriated for sewerage purposes, occur after the first assessment shall have been made and confirmed, the council may refer such division to the same, or such other assessors as the council shall determine, for the division of such original amount so assessed upon the several parts of lots or lands so divided, whose report of such division, when confirmed by the council, shall be binding and conclusive upon all parties; and all assessments thereafter made upon the subdivision of lots or lands, shall be upon such division, and collected in the same manner as upon the original assessment.

Errors in assessment may be corrected.

SEC. 3. The council shall have power to appropriate, as they may deem expedient, any lots or lands for the right of way for sewerage purposes, in the same manner as is provided by law for opening streets; and the cost of the land so appropriated, and expenses incident thereto, shall be assessed upon, and collected from the same lots and lands, and in the same manner, as is liable for the construction of such sewer.

Right of way for sewerage purposes.

SEC. 4. The council may borrow money to pay for the construction of any main or local sewer, for such time as may be necessary to collect the same by assessment and collection as hereinbefore provided; or may assess and collect the money for the construction of any sewer, or portion of any sewer, before constructing the same, as they may deem expedient.

Council may borrow money.

SEC. 5. Should any assessment prove insufficient to pay for the construction of any sewer, and the interest and expenses incident thereto, the council may make an additional pro rata assessment upon the same lots and lands to supply such deficiency; and in case a larger amount shall have been collected than shall prove necessary for the construction of any such sewer, and the interest and expenses incident thereto, the same shall be returned to the persons from whom it shall have been collected, in proportion to the amounts collected from such persons respectively.

Additional pro rata assessment.

SEC. 6. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

February 9, 1863.

#### AN ACT

To amend section one of an act passed May 13, 1861, and amendatory of the first section of the "act for the protection of fish," passed April 17, 1867.

O. L. v. 58, p. 135.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the first section of the act passed May 13, 1861, and aman-*

datory of the first section of the act for the protection of fish, passed April 17, 1857, be so amended as to read as follows :

Use of certain  
nets, &c., pro-  
hibited.

Sec. 1. That it shall be unlawful to catch, or attempt to catch fish, by means of any drag-net, gill-net, drift-net, seine, fish-basket, fish-pot, set-net, stationary-net, or weir-pound, or by poisoning the waters with lime, or any deleterious substance whatever, in any of the rivers, creeks, or streams within this state, which terminate in the navigable waters of lake Erie or Ohio river at any point or place therein, above the common level or back waters of said lake Erie and the Ohio river, or by obstructing, by weirs or other contrivances intended to stop the passage of fish up or down any of the said rivers, creeks, or streams, or by shooting them ; and it shall be further unlawful to shoot, catch, or attempt to catch, any fish by the use of any net, seine, basket, pit or pound, heretofore mentioned, in the said waters of lake Erie, or in that part of said rivers, creeks, or streams, which are on a common level with, or the back waters of lake Erie, at any time between the twentieth day of May and the first day of September.

When unlaw-  
ful to shoot,  
net, &c.

Sec. 2. This act to take effect from and after its passage, and the amended section above recited in this act, is hereby repealed.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

February 9, 1868.

#### AN ACT

O. L. v. 56, p.  
235.

To amend section seventeen of the act entitled "An act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seventeen of said act be so amended as to read as follows :

Transfers, &c.,  
to defraud, to  
be void.

Sec. 17. All transfers, conveyances or assignments made with intent to hinder, delay, or defraud creditors, shall be declared void at the suit of any creditor ; and the probate judge of the proper county, after any such transfer, conveyance or assignment shall have been declared by a court of competent jurisdiction to have been made, with the intent aforesaid, shall, on the application of any creditor, appoint an assignee, according to the provisions of this act, who, upon being duly qualified, shall proceed by due course of law, to recover possession of all property so transferred, conveyed, or assigned, and to administer the same as in other cases of assignments to trustees for the benefit of creditors : *Provided, however,* That any creditor instituting a suit for the purpose aforesaid, shall cause notice of the pendency and object thereof to be published for at least four consecutive weeks in some newspaper printed, or of general circulation in the county in which said suit shall be pending ; and all creditors who shall, within fifteen days next after the expiration of said notice, file an answer in said action in the nature of a cross petition, praying to be made parties thereto, and setting forth the nature and amount of their respective claims, and shall secure the payment of

Remedy in  
probate court.

Proviso.

Rights of cred-  
itors as parties.

their pro-rata share of the costs and expenses of such action, including reasonable counsel fees, in proportion to the amount of their said claims, either by a deposit of money or by an undertaking given to the plaintiff in such sum, and with such security as the court or clerk thereof shall require and approve, shall be first entitled, with the plaintiff, to the benefits of such transfer, conveyance or assignment, in proportion to the amounts of their respective claims; and after the costs and expenses aforesaid, and the claims of the aforesaid creditors shall have been paid by such assignee, the residue in his hands, if any, shall inure to the equal benefit of the remaining creditors, in proportion to the amount of their claims.

Smo. 2. That section seventeen of the above recited act be and the same is hereby repealed: *Provided*, That any proceedings had or commenced, or rights accrued under the section hereby repealed, shall not be affected by such repeal. Repeal and proviso.

Smo. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

February 12, 1863.

#### AN ACT

To amend an act entitled an act prescribing the fees of the clerks of the courts, passed May 1st, 1862. O. L. 59, p. 116.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the act prescribing the fees of the clerks of courts, passed May 1st, 1862, be so amended as to read as follows:

Sec. 2. The clerks of said courts shall receive from the treasuries of their respective counties, the following fees: For drawing each grand jury, issuing a venire therefor, and impanneling and swearing such jury, one dollar; for certifying the fees or compensation of each grand jury for attendance during the term, one dollar; for making out abstracts of elections, and certifying the same (except justices' elections), for each one hundred words, counting three figures as one word, ten cents; for certifying the fees of judges and clerks of elections, ten cents each; for filing the enumeration of white male inhabitants over twenty-one years of age, and certifying the same by townships, incorporated villages, and wards in cities, to the secretary of state, ten cents; for each township, incorporated village and city ward, for apportioning jurors to the several townships, cities and wards, copying the names, and placing the same in the jury box, three dollars annually; for making out lists of unclaimed costs and paying the same to the county treasurer, two per centum on the amount of money paid; for reporting annually a list of fines assessed by the respective courts, one dollar; for reporting annually to the prosecuting attorney a list of fines and costs, collections thereon, &c., two dollars; for reporting annually to the auditor of state as to the collection of costs in penitentiary cases, fifty cents; for each civil jury list certified to the county auditor, twenty-five cents. Fees to be paid clerks of courts.

O. L. 59, p.  
117.

Sks. 2. That section two of the above named act, passed May 1st, 1862, be and the same is hereby repealed.

Sco. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

February 12, 1863.

#### AN ACT

Supplementary to an act entitled "An act to amend an act entitled an act relating to dower, passed January 28, 1824"—passed January 11, 1843.

Procedure in  
case of death  
of petitioner  
for dower, be-  
fore assign-  
ment of dower.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where a petition for dower is now pending, or may hereafter be filed in any of the courts of this state, having jurisdiction in such cases, and the petitioner shall die before the assignment of her dower, or before the final decree has been entered in such case, the action may be revived in the name of the executor or administrator of such deceased petitioner; and such court shall proceed to hear and determine the question, if not before determined, whether said petitioner would have been entitled to dower in said action, had she been living, and should it be found that the petitioner would have been so entitled to dower, the said court shall adjudge in favor of the said executor or administrator of the said petitioner, such sum as would be equal to the one-third of the rental value of the real estate, in which it shall be found said petitioner would have been entitled to dower, from the time of filing said petition until the death of the petitioner, after deducting the one-third of the necessary expenses; and the sum so adjudged in favor of the executor or administrator, shall be a lien upon the real estate in which such petitioner would have been entitled to dower, and its payment shall be enforced in the same manner as provided for the payment of similar sums in the act to which this is supplementary.

Sco. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

February 12, 1863.

#### AN ACT

Making partial appropriation of the general revenue for the year 1863.

Governor's  
contingent  
military fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, from any money that may be in the treasury belonging to the general revenue: For the gov-

ernor's military contingent fund, the sum of ten thousand dollars; for the payment of clerks in the adjutant-general's office, fifteen hundred dollars. Clerks in adjutant-general's office.

SEC. 2. This act to take effect from its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 18, 1863.

#### AN ACT

Supplementary to the act entitled "an act for the assessment and taxation of express and telegraph companies," passed May 1, 1862. O. L. 59, p. 91.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases when the return for taxation is made to the several county auditors by the principal agent of any express or telegraph company, under the provisions of the first section of the act to which this is supplementary, it shall be the duty of said principal agent at the same time to forward an abstract thereof to the auditor of state, which said abstract shall contain the amount returned to each county, and the total amount returned to all of said counties. When no return is made to the several county auditors by the principal agent of any express or telegraph company, it shall be the duty of the several county auditors, annually, on or before the first day of August in each year, to report to the auditor of state the amount returned to him by the several agents of any such company in his county, and the amount placed by such county auditor upon his duplicate against such company, which returns shall be by the auditor of state reported to the general assembly with his annual report.

Abstract to be forwarded to auditor of state.

Duty of county auditors.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

February 24, 1863.

#### AN ACT.

Making partial appropriations for the year 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sum be and hereby is appropriated out of any money in the treasury, for general revenue purposes, for the year 1863, to wit:

For the payment of the per diem of the lieutenant-governor, as president of the senate, and of the members of the general assembly, and

Per diem of  
members and  
officers of gen-  
eral assembly.

mileage, their clerks, assistant clerks, sergeants-at-arms, and assistant sergeants-at-arms, and messengers, fifteen thousand dollars.

SEC. 2. This shall take effect upon its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

February 25, 1863.

#### AN ACT

Sw. & Cr.,  
1393.

To amend sections four and six, and to repeal section five, of the act entitled "an act to provide for the purchase of stationery, fuel and other articles for the General Assembly and State officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above entitled act be so amended as to read as follows :

Proposals to  
be accompa-  
nied by bond.

Sec. 4. That each proposal to furnish to the state such paper, or such fuel, as may be advertised for by the secretary of state, in pursuance to this act, shall be accompanied by a bond, executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the secretary of state, in the penal sum of not exceeding twenty thousand nor less than five thousand dollars, in the discretion of the secretary, accordingly as such proposal shall be to furnish all, or part only of such paper or fuel, conditioned for a faithful performance of such contract as may be awarded to him in pursuance of this act, and for the payment as liquidated damages by such bidder to the state of any excess of cost over the bid or bids of such bidder which the state may be obliged to pay for such paper, or such fuel, by reason of the failure of such bidder to fulfill his contract; said bond to be null and void if no contract shall be awarded to such bidder, and no bid unaccompanied by such bond shall be entertained by the secretary of state; and all paper furnished under any such proposal shall be free of barytes or other earthy substance.

No bid to be  
unaccompa-  
nied by bond,  
to be enter-  
tained.

SEC. 2. That section six of the above entitled act be so amended as to read as follows :

Filing bond,  
and suits  
thereon.

Sec. 6. That such bond shall be filed and retained in the office of the secretary of state, and for any failure to comply with any of the conditions therein contained, may be prosecuted in the name of the state in any court of competent jurisdiction, and the amount of damages, when collected, shall be paid into the state treasury.

Sections re-  
pealed.

SEC. 3. That sections four, five and six of said act be and the same are hereby repealed. But no rights or remedies upon prior or existing contracts, or upon any cause of action arising out of the same, shall be affected by such repeal.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 3, 1863.

## AN ACT

To amend sections one and two of the act "regulating the publication of the Ohio Reports." Sw. & Cr., p. 1208.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of the act regulating the publication of the Ohio Reports be, and the same are hereby amended so as to read as follows:

Sec. 1. That if, on or before the first day of May next after the commencement of any term of office of the reporter of the supreme court, he shall file his written undertaking with the secretary of state to publish either directly or through some publisher, and at his own expense and for his own benefit and advantage, the reports of cases decided by said court, and required by law to be reported, and to deliver to the secretary of state for the use of this state, three hundred and fifty copies of each volume of said reports so to be published, at the price of three dollars for each copy, then and in such case the printing of said reports shall no longer constitute a part of the public printing in this state, but said reporter shall have the exclusive right to publish said reports and the exclusive title to the manuscript opinions of the judges of said court in the cases to be reported, together with the statements of such cases and all other parts of the same, so far as this state has the power to confer such exclusive right and title: Provided, however, that the said reports shall be printed and bound in good law leather, in a style not inferior to volume one Ohio State Reports, and shall be in form and manner of execution similar to that volume, and provided, further, that the right thus exclusively conferred upon said reporter shall not be construed to prevent the re-publication and sale of said reports by any person whomsoever, after one year shall have elapsed from the time the first publication is made by said reporter, or by any person under his authority.

How reporter may have exclusive right to publish.

Proviso.

Limitation.

Sec. 2. Each volume of said reports shall contain all the cases decided at each term of said court, and which are to be reported, and the manuscript opinions in which shall have been delivered in time to the reporter by the judges, unless the court should be of opinion that for the volume to contain all the cases aforesaid, it would thereby be too large, and therefore direct the reporter not to put into any volume more than a specified number of pages, in order to secure uniformity in the size of the volumes, as near as may be. The three hundred and fifty copies of each volume of said reports to be delivered by the reporter or publisher under his authority to the secretary of state, shall be received by him, and paid for by the treasurer of state on the warrant of the auditor of state, and said copies thus delivered to the secretary of state shall be kept for the use of the state, except such number thereof as may be exchanged with other states for the reports of such states, but in no case shall any of said copies thus delivered to the secretary of state be sold to persons in this state, or disposed of to booksellers, or publishers, or other persons for sale in this state; and neither the said reporter nor other persons shall make sale of said reports to any purchaser for use in this state, at a greater price than four dollars for any copy of said volume; and it is further provided as a further condition of the right of this act allowed to said reporter, that a volume of said reports shall be published and ready for sale and delivery within four months after the judges shall deliver to the reporter all the manuscript opinions for the particular volume.

Contents of each volume.

Copies to be delivered to secretary of state.

Maximum price per copy.

Time of publication.



SEC. 3. [2.] That sections one and two of the act aforesaid be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 P. HITCHCOCK.  
*President Pro. tem. of the Senate.*

March 4, 1863.

#### AN ACT

S. & Cr. p.  
 1493.

Supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the amendment passed March 11, 1853, and a supplementary act passed April 8, 1856, and supplementary to the act passed April 12, 1858.

Council may  
 divide city  
 into sewerage  
 districts.

And borrow  
 money to de-  
 fray expense  
 of sewers, &c.

Proviso.

Further pro-  
 viso.

Assessment to  
 pay bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the first class, having a population of 40,000 inhabitants and less than 100,000, in which water-works have heretofore or may hereafter be established, it shall be lawful for the city council to provide by ordinance for the division of said city into not more than six sewerage districts, designating the same by name or number; and that for the purpose of defraying the expense of constructing main sewers in said districts, or either one of them, the city council shall have power to borrow, from time to time, as they shall deem expedient, a sum of money not to exceed thirty thousand dollars for any one district, upon the credit of the city, and shall have authority to issue bonds, with interest coupons attached, pledging the faith and credit of said city for the payment of the principal and interest of said bonds: Provided, that all bonds issued as aforesaid shall have the name or number of the district for which the same were issued legibly written or printed upon them, and shall be signed by the mayor and city clerk, and be sealed with the seal of the city: And provided, further, that no city of the class above mentioned, which under the provisions of the act entitled "an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852," and the amendment passed March 11, 1853, and supplementary act passed April 8, 1856, and supplementary to the act passed April 12, 1858, passed March 22, 1860, has by ordinance divided such city into sewerage districts, shall have the power to change, alter or enlarge, and such city is hereby prohibited from changing, altering or enlarging the boundaries of any district or districts so established: And provided, further, that such city shall have no power to build or construct, and is hereby prohibited from building or constructing, under this act, any main sewer in any such district or districts, in which, under the provisions of said act of March 22, 1860, a main sewer has not been commenced and partly constructed.

SEC. 2. That for the purpose of repaying the principal and interest of the bonds by this act authorized to be issued, it shall be lawful for the city council to assess and collect upon and from all the real estate in the district for which bonds are issued, in each and every year thereafter until the interest and principal of said bonds are fully paid and satisfied, an amount of money sufficient to pay the interest due upon said bonds semi-annually, and such an amount as upon computation shall be found necessary to provide a sinking fund for the redemption

of the bonds so issued as aforesaid, at their maturity: Provided, that not more than five per cent. per annum shall be collected in any one year of the principal of the bonds authorized by this act to be issued.

SEC. 3. That it shall be lawful for the city auditor to make the assessment required by the preceding section, upon all the real estate in each and every district in which such main sewers may or are designed to be constructed, upon the valuation as established by law for state and county purposes; and said auditor is hereby required to certify said assessment to the city council on or before the second Monday in September, annually; that after the same shall have been confirmed by the city council, they shall direct the city clerk to certify it to the county auditor, who is hereby authorized and required to place the same upon the tax duplicate, and the county treasurer is hereby authorized and required to collect said assessment in the same manner as other taxes are collected by him, and when collected shall pay the same to the treasurer of said city; and for the purpose of enforcing the collection of said assessment, he shall have the same power and authority now allowed by law for the collection of state and county taxes.

Duty of city auditor as to assessment, &c.

SEC. 4. That in the construction of a main sewer in or through the streets, lanes or alleys of said district or districts, it shall be lawful for the city council to assess and collect upon and from all the lands or lots bounding or abutting upon said streets, lanes or alleys, so much of the expense of constructing such main sewer or sewers as would, in the opinion of said city council, be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer said lots or lands bounding or abutting upon the streets, lanes or alleys in or through which said main sewer may be constructed.

Lands and lots to be assessed.

SEC. 5. That all proceedings commenced and had under and pursuant to the provisions of the act entitled "an act supplementary to an act to provide for the organization of cities and incorporated villages, passed May 2, 1852, and the amendment passed March 11, 1853, and a supplementary act passed April 8, 1856, and supplementary to the act passed April 12, 1858," passed March 22, 1860, and suspended by the repeal thereof by the act entitled "an act prescribing the rates of taxation for state, county, township, city and other purposes," passed April 30, 1862, may be continued and completed under the provisions of this act, and shall be as valid and effectual as if the same had been had and completed under and pursuant to the provisions of said act passed March 22, 1860, before its repeal, and as if the same had not been repealed.

Prior suits to be completed, &c.

SEC. 6. This act to take effect on its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 11, 1863.

#### AN ACT

To authorize the payment of county auditors for certain extra services.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the several counties in which, by reason of the suspension of the direct tax levied by the United States, it became necessary for the county auditors to change or alter the dupli-

Compensation for altering or making new duplicates.

cates of 1862, or to make new ones; be, and they are hereby authorized and empowered to allow and pay to such auditors from the general county fund, such reasonable compensation for such extra labor, as shall appear to said commissioners to be just, not exceeding two dollars for each day during which auditors or their assistants were actually employed in such labor.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 13, 1863.

#### AN ACT

To repeal the second and third sections of "an act amendatory and supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed May 1, 1862, as printed in volume 59 of the laws of Ohio, pages 101 and 102.

WHEREAS, Sections two and three of an act entitled an act amendatory and supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed March 1, 1852, passed May 1, 1862, were, by mistake included in said act; therefore,

Sections repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second and third sections of an act amendatory and supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed May 1, 1862, be and the same are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 13, 1863.

#### AN ACT

To license and regulate pawnbrokers in cities of the first and second class.

Pawnbrokers and money lenders on collateral security must take out license.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons carrying on the business of pawnbroker, or of loaning money on jewelry, goods, chattles, or other personal property, in any city of the first or second class, shall be required to take out a license from the city in which they may do business; the cost of such license not to exceed two hundred dollars per annum, to be fixed by ordinance of the council of such city.

SEC. 2. They shall keep a correct list and description in a book for that purpose, of any and all articles pledged or deposited with them, or on which advances of money have been made, or which may be purchased by them, which list and description shall at all times be open to the inspection of the chief of police of the city, or of a police officer deputed by him, or by the mayor, to make such inspection. They shall, at all times, when so required by the chief of police or police officer or mayor aforesaid, produce and show to him any article so listed and described, which may be in their possession.

Must keep a list of all articles pledged, and exhibit same when required.

SEC. 3. Any person or persons carrying on the business of a pawnbroker, who shall fail to take out a license therefor, or shall receive and advance money on any article, or property pledged, and shall fail to keep a list and description as provided in section two, or who shall refuse to submit the same to the inspection of the chief of police, or police officer so deputed as aforesaid, or shall refuse to show the article or property when so required, shall, upon conviction thereof, before the police court or mayor of such city, or other court having competent jurisdiction, be fined in any sum not less than ten dollars nor more than one hundred dollars.

Penalty for neglect or refusal to comply.

SEC. 4. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 13, 1863.

#### AN ACT

To amend the first section of an act entitled "An act for the protection of railroads," passed March 20, 1840, as amended March 26, 1860.

Sw.&Or. p. 419

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act, as amended March 26, 1860 (vol. 57, p. 109), be so amended as to read as follows:

Sec. 1. That every person who shall willfully and maliciously remove, break, displace, throw down, destroy, or in any manner injure any iron, wooden or other rail, or any branches or branch-ways, or any part of the tracks, or any bridge, viaduct, culvert, trestle-work, embankment, parapet, or other fixture, or any part thereof, attached to or connected with such tracks of any railroad in this state, now in operation, or which shall hereafter be put in operation, or who shall willfully and maliciously place any obstruction upon the rail or rails, track or tracks of any such railroad, shall, on conviction thereof, be punished by imprisonment in the penitentiary and kept at hard labor not less than one year nor more than twenty years: *Provided, however,* That if any person shall, by the commission of either of the aforesaid offenses, occasion the death of any person or persons, the person or persons so offending shall be deemed guilty of murder in the first or second degree, or manslaughter, according to the nature of the offense, and, on conviction thereof, shall be punished as in other cases. Said section amended is hereby repealed; but all offenses against or violations of said section so repealed, and all violations of the original section which have been heretofore committed, shall be prosecuted and punished as

Injuring railroads or obstructing track

—Penalty.

When death ensues;

—Penalty.

according to the provisions thereof, as fully as if said sections had not been repealed. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 16, 1863.

## AN ACT

For the relief of the families of soldiers and marines in the State and United States service.

- SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That for the relief of the necessities of the families of soldiers and marines in the service of the state or United States, there be and hereby is levied and assessed, for the year eighteen hundred and sixty-three, one mill on the dollar valuation on the grand list of taxable property of the state. And the board of county commissioners of any county in this state are hereby authorized, if in their opinion the same shall be necessary for the purpose of affording the relief contemplated by this act, to levy and assess an additional amount, not exceeding one-half of one mill on the dollar valuation on the grand list of the taxable property of the county; and the amount so levied and assessed shall be collected in the same manner as other state and county taxes are collected.
- Assessment for relief.**
- Smo. 2.** It shall be the duty of the assessors, in the several wards, election districts and townships in the state, when they are making the assessment of eighteen hundred and sixty-three, to take an enumeration, by name, of all the soldiers and marines who are in the service of the state or United States, from their several wards, townships, and election districts, being residents therein when entering said service, naming the company and regiment to which they belong, and make an accurate return, under oath, to the trustees of their respective townships, wards, and election districts, designating those who have families and those who have not, and, where there are families, the number, sex and ages, naming such as are necessitous. It shall be the duty of said trustees to revise the same, inserting such names as may have been omitted, and return such revised enumeration to the auditors of their counties, on or before the third Monday of May, eighteen hundred and sixty-three. Persons who have died or been disabled in the service, shall be included in this enumeration. This act shall not apply to the family of any soldier or marine who has been dishonorably dismissed, or deserted the service.
- Duties of assessors.**
- Smo. 3.** That it shall be the duty of the auditors of the several counties to furnish to the assessors of their respective counties, such blanks as may be necessary for taking the aforesaid enumeration; and said auditors shall, within twenty days after said enumeration is returned to them, make out and forward to the auditor of state, a statement showing the number of soldiers and marines included in said enumeration.
- Duties of trustees.**
- Smo. 4.** It shall be the duty of the auditor of state to open proper accounts with each county in the state, and apportion the fund so raised upon state levy according to the enumeration and returns made to
- Duties of county auditors.**
- Duties of auditor of state.**

him by the several county auditors, and pay over the same to the county treasurers, at their semi-annual settlement with the state.

Sec. 5. That the commissioners of the several counties, respectively, shall take control of said fund, for the purposes named in this act, when paid into the county treasuries, and shall apportion the same, to the several townships, wards, and election districts in their respective counties, according to the necessities of the families aforesaid, as returned by the trustees of the several townships, wards, and election districts, as provided for in section two, which shall be paid to the several township treasurers, and in cities of the first class to the treasurers thereof, and shall be drawn out upon the order of the trustees of the several townships, wards, and election districts, and be distributed by them for the relief of the necessities of the families of non-commissioned officers, musicians, and privates in the service aforesaid, in money, as their necessities may require, under such rules and regulations as said commissioners may prescribe; but if it appears to the trustees that any family is making an improper use of the money, they may provide for the necessities of said families. Said trustees shall continue to afford the relief contemplated by this act, to the family of any soldier or marine heretofore or hereafter deceased, or disabled in the service aforesaid. In all counties in this state in which the commissioners levied a tax for the year eighteen hundred and sixty-two greater than that authorized by law, for the relief of the families of volunteers, the payment of such unauthorized tax, by the persons charged therewith, shall be taken and held to be a payment upon the tax of one-half mill, authorized to be levied by the commissioners under the provisions of this act; and the treasurer and auditor of such county shall, in the collection of said half mill, to be levied as aforesaid, deduct all such payment of such erroneous tax from the said local levy under this act. The trustees shall report to the commissioners of the county as to the disposition of the fund, as the county commissioners may from time to time direct. No money raised by the state levy authorized by this act, shall be used by the commissioners or trustees otherwise than to meet the future necessities of said families.

Duties of county commissioners.

How funds to be paid.

As to certain counties.

Sec. 6. In all townships and cities having no treasurer, the county treasurer shall perform the duties required by this act.

Sec. 7. To anticipate the receipts which may come into the county treasuries by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow, from time to time, as may be deemed necessary, such sums of money as shall not exceed, in the aggregate, four-fifths of their proportion of the tax levied by this act, and may, to that extent, temporarily transfer money from any other fund except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, and dependent parent or parents.

When commissioners to borrow money.

Sec. 8. No compensation shall be allowed to any officer or person for any service rendered under the provisions of this act.

No compensation allowed.

Sec. 9. This act shall take effect from its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 21, 1863.

## AN ACT

Authorizing executors, administrators, guardians, and all trustees of funds now by the laws of this state allowed to invest in the funded debt of the State of Ohio, to invest in the funded debt of the United States.

Executors, &c.  
may invest in  
U. S. bonds,  
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall hereafter be lawful for all executors, administrators, guardians, and all trustees of funds now by the laws of this state allowed to invest in the purchase or pledge of the certificates of the funded debt of this state, to invest in the purchase or pledge of any of the bonds or certificates of the funded debt of the United States.

SEC. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 21, 1863.

## AN ACT

Sw. & Cr 408. To amend an act entitled "An act providing for the punishment of crimes," passed March 7, 1835.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighteen of an act entitled "an act providing for the punishment of crimes," be amended so as to read as follows:

Stealing money or other property.

SEC. 18. That if any person shall steal any money, or goods and chattels of any kind whatever, whether the same be wholly money or wholly in other property, or partly in money and partly in other property, the property of another, of the value of thirty-five dollars or upwards; or shall steal, or maliciously destroy any money, promissory note, bill of exchange, order, draft, receipt, warrant, check, or bond, given for the payment of money, or receipt acknowledging the receipt of money, or other property of the value of thirty-five dollars or upwards, every such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than seven years nor less than one year: *Provided*, The word "money," in this section, shall be deemed and taken as including bank-bills or notes, United States treasury notes, or other bills, bonds, or notes issued by lawful authority, and intended to pass and circulate as money.

Definition of "money."

SEC. 2. That sections eighteen and nineteen of the above-recited act be and the same are hereby repealed.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 21, 1863

## AN ACT

To prohibit deputy clerks of courts from practicing as attorneys or counselors.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That no person shall hereafter be permitted to practice as an attorney or counselor at law in any court in this state, who is a deputy clerk in any court of record in the state of Ohio. Any person violating the provisions of this act, shall be removed from the office of such deputy clerk, by the order of the court of which he is such deputy, upon motion and proof to the satisfaction of such court.

Deputy clerks of courts prohibited practicing law.

**SEC. 2.** This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 21, 1868.

## AN ACT

To amend an act entitled "An act to establish a uniform standard of weights and measures," passed April 5, 1859. Sw. & Cr. 1614.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act to establish a uniform standard of weights and measures," passed April five, one thousand eight hundred and fifty-nine, be amended so as to read as follows:

**Sec. 1.** Whenever the following articles are sold, and no special agreement as to the measure is made by the contracting parties, the bushel shall consist of the following weights:—Wheat, sixty pounds (60); rye, fifty-six pounds (56); corn, shelled, fifty-six pounds (56); corn in ear, seventy pounds (70); oats, thirty-three pounds (33); clover-seed, sixty-two pounds (62); timothy-seed, forty-five pounds (45); hemp-seed, forty-four pounds (44); millet-seed, fifty pounds (50); buckwheat, fifty pounds (50); beans, sixty pounds (60); peas, sixty pounds (60); hominy, sixty pounds (60); Irish potatoes, sixty pounds (60); sweet potatoes, fifty pounds (50); dried peaches, thirty-three pounds (33); dried apples, twenty-five pounds (25); flax-seed, fifty-six pounds (56); barley, forty-eight pounds (48); malt, thirty-four pounds (34); Hungarian grass-seed, fifty pounds (50).

Articles specified, and standard fixed where there is no special agreement.

**SEC. 2.** That said section one is hereby repealed.

**SEC. 3.** This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 21, 1868.



## AN ACT

Supplementary to the act entitled "An act prescribing the rates of taxation for state, county, township, city and other purposes," passed April 30, 1862.

Cities may  
levy tax for  
establishing  
fire depart-  
ment, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each city of the first class, having a population of less than one hundred thousand inhabitants, may, and they are hereby authorized, in addition to the amount of tax allowed to be levied by section five of the act to which this act is supplementary, levy a further tax, not exceeding five-tenths of one mill on each dollar of the taxable valuation of property in such city, for the purpose of establishing and maintaining a fire department of steam fire engines: *Provided, however*, That the additional tax authorized to be levied by this act, shall not be levied for a period longer than three years, from and after the year one thousand eight hundred and sixty-three.

SEC. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 21, 1863.

## AN ACT

Ceding to the United States of America jurisdiction over certain lands and their appurtenances in the county of Franklin, in the State of Ohio, and exempting the same from taxation.

WHEREAS, The United States have appropriated money for the establishment of a national arsenal at Columbus, in the county of Franklin, and state of Ohio, for the deposit and repair of arms and other munitions of war, and for other purposes of a public nature:

Arsenal lands  
ceded to U. S.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*. That jurisdiction of the lands and their appurtenances, that have been or may be purchased in said county of Franklin for the establishment of the aforesaid arsenal, be and is hereby ceded to the United States of America: *Provided, however*, That all civil and criminal process issued under the authority of the state of Ohio, or any officer thereof, may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Exempted  
from taxation.

SEC. 2. That the lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county, and municipal taxation and assessment whatever, so long as the same shall remain the property of the said United States of America.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 21, 1863.

## AN ACT

Supplementary to an act entitled "an act to authorize counties, townships, cities, and incorporated villages to issue bonds in certain cases," passed March 10, 1860. 57 O. L. 28.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a township shall have been divided into two or more parts, subsequent to the original issue of bonds, in aid or for purposes of public improvement, it shall be competent for the authorities of the parts so constituted, jointly to issue new bonds for the amount becoming due, subject, however, to the provisions and limitations of the act to which this is supplementary. When township is divided, bonds may be issued jointly.

SEC. 2. The trustees of said township so constituted out of the division of a township as aforesaid, are required to meet together annually, within thirty days after the first Monday in April in each year, and jointly assess and levy on the property, real and personal, taxable, within the limits of the original township, which has been divided as aforesaid, the taxes necessary to pay the interest of said bonds, and also such sum as may seem to them expedient for the redemption of the principal named in such bonds. Annual meeting of trustees of divided township.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 21, 1868.

## AN ACT

Making appropriations for the payment of interest and principal of the public debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money in the treasury and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations, for the payment of the interest on the foreign and domestic debt of the state, exclusive of the "Union Loan," seven hundred and ninety-five thousand eight hundred and eighteen dollars. Sum appropriated.

For the payment of the interest on the irreducible debt or trust fund held by the state, one hundred and eighty thousand dollars. Irreducible debt.

For the payment of the principal of the foreign and domestic debt of the state, exclusive of the Union Loan, four hundred thousand dollars, and any additional sum that may come into the treasury applicable to that purpose. Foreign and domestic debt.

For the payment of the necessary expenses of the New York agency, including the salary of the agent of the state, and office rent, four thousand dollars. Expenses N. Y. agency.

For the payment of the necessary expenses of the office of the commissioners of the sinking fund at Columbus, including the salary of the clerk, fifteen hundred dollars. Expenses home office.

Expenses of  
commissioners

For the payment of the necessary expenses of the commissioners, in paying the interest and principal of the foreign debt of the state, one thousand dollars.

Union Loan.

Sec. 2. There is hereby appropriated from any money that may be in the treasury, and that may come into the treasury, of the levy to pay the Union Loans, in addition to former appropriations, for the payment of the interest on the Union Loans, foreign and domestic, fifty-eight thousand five hundred dollars.

For the payment of the principal of said loans, two hundred and fifty thousand dollars, and any further sum that may come into the treasury applicable to that purpose.

Sec. 3. This act shall take effect from its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 21, 1868.

#### AN ACT

Supplementary to an act entitled "an act to enable husbands of insane women to convey real estate freed from the right of dower, on conditions," passed and took effect March 29, 1857.

Sw. & Cr. 852.

How person  
owning real  
estate encum-  
bered by dower of insane  
woman, may  
proceed to dis-  
encumber the  
same.

The petition  
in such case.

Committee of  
inquest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person resident in the state of Ohio, and owning real estate therein, which is, or may hereafter be encumbered by the contingent or vested right of dower of an insane woman, may apply, by petition, to the court of common pleas of the county in which said real estate, or any part thereof, may be situate, making defendants thereto such insane women, her husband and guardian, should she have either or both, for leave to sell all, or any part of the real estate of which he is possessed, within the limits of the state of Ohio, discharged and unincumbered of the contingent or vested right of dower of said insane woman; which petition shall set forth the insanity of the said insane woman, together with a description of the land proposed to be sold; and the court shall thereupon appoint a committee of six competent men, of whom at least three shall be physicians, who shall, under oath, inquire into the fact of the insanity of such alleged insane woman, and said committee shall hear testimony to be produced by the husband or guardian of said insane woman, or if there be no such guardian, then by the guardian *ad litem* of said insane woman, by the court to be appointed in said action; and the said committee shall, at any term of such court, make a report in writing, signed by all the members of said committee, of the result of their investigation.

Appraisers of  
the estate, and  
their report.

Sec. 2. Should the committee appointed as aforesaid, unanimously report that such woman is, in their opinion, permanently insane, the said court shall appoint a committee of three judicious freeholders, to appraise the real estate mentioned in the original petition, whether the same be in one or several counties of this state, and who shall report in writing, signed by all the committee, the value of each tract respectively.

SEC. 3. On the filing such report by the committee last aforesaid, the court may direct such petitioner to convey, by good and sufficient deed of conveyance, to said insane woman, to be by her held in fee, such proportion of the real estate set forth in said petition, as shall to said court seem just and proper; or the court may assign to such insane woman, to be by her held during life, after the death of her husband, should she have any, such proportion of the real estate set forth in said petition, as shall to said court seem just and proper, for her support; or the court may, at their discretion, order the petitioner to invest an amount, to be by them fixed upon, in the stock of such company or companies, or stocks created by the laws of this state, as by said court may be designated, the profits and dividends arising from such investment to be applied for the support and maintenance of said insane woman after the death of her husband, should she have any; and upon the petitioner complying with the order of said court, he shall be and is hereby authorized to sell all the real property he may be possessed of, described in his said petition, free and unincumbered of the contingent or vested right of dower of said insane woman.

Proceedings  
of the court  
in assigning  
interest of in-  
sane woman,  
&c.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 21, 1863.

#### AN ACT

Authorizing cities of the second class to create new wards, and define the boundaries thereof, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the corporate limits of any city of the second class shall have been or may hereafter be altered or extended in such manner as to render it expedient, in the opinion of the city council of said city, to change the number of wards established therein, or to alter the boundaries of said wards, the same may be done by an ordinance for that purpose passed by the city council of said city; and whenever any such change in the number, or alteration of the boundaries of said wards shall be made, there shall be elected at the next ensuing annual city election in said city, two trustees for each of said wards, not already represented in said city council, in accordance with the provisions of section fifty-nine of the act to provide for the organization of cities and incorporated villages, passed May 8, 1852.

City council  
may change  
the number of  
wards, or alter  
boundaries,  
&c.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 21, 1863.

## AN ACT

To restrain dogs from running at large at night, and for the protection of sheep.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any dog to run at large off the premises of the owner, in the night season, between the hours of seven o'clock in the evening and six o'clock in the morning, unless accompanied by the person owning, keeping, or harboring the same. The owner, keeper, or harbinger of any dog is hereby required to keep the same upon his or her premises between the hours of seven o'clock in the evening and six o'clock in the morning, as aforesaid. Any person refusing or neglecting so to do, shall be liable to a fine of five dollars for each and every such offense, to be collected, with costs of prosecution, before a justice of the peace having jurisdiction, one-half of the said fine to go to the informant, and the other half to be paid into the treasury of the township where the offense was committed.

**SEC. 2.** That any dog found running at large, off the premises of the owner, unless accompanied by the person owning, keeping, or harboring the same, may be killed. And if any person shall kill, wound, or destroy any dog so found unlawfully running at large, the person so killing, wounding, or destroying the same, shall not be liable in damages to the owner, keeper, or harbinger of such dog; but upon satisfactory proof made by him to the trustees of the township in which the killing took place, by the production of the scalp or otherwise, of the killing of such dog, and that when killed he was found running at large in violation of the provisions of this act, the said person shall receive from the said trustees an order on the township treasury for the sum of two dollars, to be paid out of any fund applicable to the general expenses of the township: *Provided,* That such person shall prosecute the owner, keeper, or harbinger of the dog killed, and enforce the collection of the fine provided for in section one of this act; of which fact the trustees shall be satisfied before any order shall issue on the treasury.

**SEC. 3.** The word "dog," as used in this act, shall be held to include any animal of the dog kind.

**SEC. 4.** This act to take effect upon its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 24, 1863.

## AN ACT

To provide for taking the depositions and affidavits, and procuring the acknowledgments to deeds, mortgages, and other instruments of writing, of persons absent from the State, and in the military service of the United States.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the colonel, lieutenant-colonel, major, or adjutant, of any regiment or battalion, which has been, or may hereafter be raised in this state, and now is, or may hereafter be in the service of the United

Dogs not allowed to run at large in the night season.

Fine.

Any dog running at large in the night, may be killed.

Reward for killing.

Officers allowed to administer oaths, &c.

States, whether regular or volunteer, shall be, and is hereby authorized to administer oaths and take the deposition and affidavit and acknowledgment of deeds, mortgages, leases, and other conveyances of lands, and all powers of attorney relating thereto, to be used or recorded in this state, of any person, without this state, who for the time being shall serve in, or be connected with such regiment or battalion, in the same manner as a justice of the peace or commissioner of this state might do.

Sec. 2. Depositions taken in pursuance of the foregoing section, shall be taken on written interrogatories, on a written notice being given by the party desiring to take such depositions, which notice shall contain the names of the party, plaintiff and defendant, the court or tribunal in which the action is pending, the number of the regiment or battalion to which the witness belongs, and the name or names of the witnesses; and which said notice shall be served upon the adverse party, his agent or attorney of record, or left at his usual place of abode, with a copy of the interrogatories, at least twenty days prior to the taking of such depositions; and if the party on whom such notice is served shall desire to file cross interrogatories, a copy of the same shall be served on the adverse party, his agent, or attorney of record, or left at his usual place of abode, within six days after said notice of taking depositions shall have been served, and the party giving the notice to take depositions, shall forward, with his said notice and interrogatories, the cross interrogatories so served on him as aforesaid; and neither party, by himself, or his agent or attorney, shall be present at the time of taking such depositions. Mode of taking depositions, &c.

Sec. 3. Any oath administered and deposition or affidavit taken, or acknowledgment certified by either of the officers named in the preceding section, if otherwise in accordance with law, shall be as effectual for all purposes, as if administered, taken, or certified by any justice of the peace or commissioner of this state. Validity of oath thus taken.

Sec. 4. Such officer, before he shall perform any of the duties assigned him by the provisions of this act, except the administering of oaths, shall take and subscribe an oath or affirmation that he will well and faithfully execute and perform all the duties, as commissioner for the purposes aforesaid, which oath shall be filed in the office of the secretary of state, within three months after the taking of the same. Test oath.

Sec. 5. Such officer shall be entitled to charge and receive for his services under this act, the same fees as are allowed by the laws of this state to justices of the peace for like services. Fees.

Sec. 6. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,

*President of the Senate.*

March 24, 1863.

## AN ACT

To appropriate money for the purchase of additional grounds in Spring Grove Cemetery for the interment of deceased soldiers.

Governor authorized to purchase additional grounds in Spring Grove Cemetery.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and is hereby authorized, in his discretion, to contribute out of his contingent fund to the branch of the United States Sanitary Commission in Cincinnati, any sum of money not exceeding three thousand dollars, to be applied in the purchase of additional grounds in Spring Grove Cemetery, for the interment of deceased soldiers who may die at that place, or be brought there for burial.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

**JAMES R. HUBBELL,**  
*Speaker of the House of Representatives.*  
**B. STANTON,**  
*President of the Senate.*

March 18, 1868.

## AN ACT

Providing for the appointment and more thorough system of accountability of the officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts, and repealing certain acts and parts of acts herein named.

Appointment of directors; term of office.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by the governor, by and with the advice and consent of the senate, three directors of the Ohio penitentiary, to be appointed as vacancies occur in the board as now constituted, and each of whom, with their successors, shall hold his office for the term of three years. No person shall be appointed a director who is a contractor in the penitentiary, or the agent or employee of any such contractor, or who is interested, either directly or indirectly, in any kind or branch of business in the institution; and should any director become so interested at any time during his term of office, it shall be cause for his removal; and upon satisfactory information given of such fact, the governor is hereby authorized and required to remove such director, which removal, with the reasons therefor, shall be entered on the journal of the penitentiary, and the governor shall report the same to the general assembly at the next session. Each of said directors, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and to faithfully and diligently discharge the duties of such director. In case of a vacancy by death, resignation, or otherwise, it shall be filled by appointment by the governor, until the next session of the general assembly. The said directors shall each receive three dollars per diem for the time actually employed in the discharge of their duties, and actual traveling expenses, to be paid out of the state treasury on the certificate of the clerk as to the time of their services.

Director's oath.

Vacancies.

Per diem.

**Sec. 2.** The directors shall make annual appointments of one of

their number president of the board. It shall be the duty of at least two of the directors to visit the institution together every two weeks, examine the workshops, cells, and rooms thereof, and enter the result of their investigation in a book called a journal, to be provided for the purpose. It shall be the duty of all the directors to meet at the office of the penitentiary every three months, in each year, to wit: on the first Tuesdays of February, May, August and November, respectively, to examine the books and vouchers of the warden, deputy warden, clerk and steward, to make a quarterly settlement of all the accounts of said officers, and to inspect the various departments and shops of the institution and condition of the prisoners, and shall record the result of their investigation in the journal, signed by each member present, if all shall be agreed; if otherwise, the opinions of the dissenting members shall also go on record.

President of the board, and duties of directors.

Sec. 3. The directors shall have power to regulate and fix the appointment, duties, dismissals, and salary of all officers and employees of the penitentiary, not otherwise provided for by law, and annually, on or before the fifteenth day of November, submit to the governor of the state a report of the condition of the prison, together with suggestions as to the improvements that may to them appear necessary; which report shall also contain the name of every person employed in the institution, their duties, the wages paid to each, and a detailed account of the receipts and expenditures of the same, from all sources, and for all purposes whatever, naming all persons who have received or paid money on account of the prison, the articles purchased or sold, and the amount so received or paid. At the close of each fiscal year, it shall be the duty of the directors, assisted by the warden and steward, to make an appraisal of all the property of the state connected with the prison (except real estate), comprising raw material and manufactured goods, furniture, machinery, tools, stock, fuel, forage, provisions, books, medicines, vehicles, and all manner and kind of goods or moveable property then on hand, all of which shall be stated in an inventory, to be recorded in a book, and published in the annual report provided for herein.

Powers and duties of directors.

Sec. 4. The said directors, or a majority of them, shall appoint a warden, who shall hold his office for the term of two years, unless sooner removed by the directors; but in case of removal, the reasons therefor shall be entered on the journal of the institution. The warden shall take an oath or affirmation faithfully to discharge the duties of his office, and give bond to the state of Ohio in the sum of ten thousand dollars, with at least two good and sufficient freehold securities, to be approved by the directors, attorney-general and auditor of state, conditioned for the faithful performance of the several duties which are hereby, or which may from time to time be required of him by law, which said bond shall be deposited with the treasurer of state. The governor, by and with the advice and consent of the senate, shall appoint a clerk of the penitentiary. The warden, with the advice and consent of the directors, shall have power to appoint a deputy warden and steward, and such number of assistant keepers as may be deemed necessary; all of whom shall take an oath or affirmation faithfully to discharge their duties, and give bonds to the state of Ohio; the clerk, deputy warden, and steward in the sum of three thousand dollars each, and the assistant keepers in the sum of five hundred dollars each, with security, to be approved by the directors, which bonds shall be deposited with the treasurer of state.

Appointment of warden.

Warden's oath and bond.

Clerk.

Other officers.

Sec. 5. The directors shall appoint a physician, who shall attend to all the cases of sickness among convicts, reside near the penitentiary,

Physician, and his duties.



visit the prison at least once each day, and have a general sanitary oversight of the prison; and shall communicate to the directors, at each general meeting, on the general character of the health of the prisoners during the preceding three months; and shall, in like manner, report annually the sanitary condition of the prison for the past year, with such suggestions in regard thereto as he may deem necessary, which quarterly communications shall be entered on the journal. He shall have charge of all the medicines purchased for the prison, and shall see that the same are carefully kept and properly used; he shall inform the warden from time to time of the kinds and quantities needed for a new supply, and shall give such advice as may assist him in making judicious purchases, and if worthless or improper articles are bought, may reject them. In the manner of preserving a record of all articles received, their inspection, safe keeping and use, together with the report of discrepancies, and receipt to the clerk, he shall in all cases, so far as the same may be made applicable, be governed by the provisions of section twelve of this act, relating to the duties of steward. The physician shall receive an annual compensation for his services not exceeding eight hundred dollars.

Physician's salary.

Salaries of officers.

Perquisites prohibited.

Penalties for connivance at frauds, aiding in escapes, &c.

No officer or employee to receive pay for aiding in procuring pardon, &c.

SEC. 6. The warden shall receive an annual compensation for his services not exceeding twelve hundred dollars; the clerk shall receive an annual compensation for his services not exceeding one thousand dollars; the deputy warden shall receive an annual compensation for his services not exceeding eight hundred dollars; the steward shall receive an annual compensation for his services not exceeding six hundred dollars; and each assistant keeper shall receive a compensation not exceeding forty dollars per month, except the night-watch, who may receive forty-five dollars per month. No person so employed shall be paid in any other capacity, nor shall they be entitled to or receive any perquisites, in the shape of board, provisions, carriages, horses, or otherwise, either for themselves or families, unless the same shall be allowed by law, or shall be permitted to receive any compensation or reward of any description from contractors; and if any person so employed shall receive any compensation or reward of any description from any contractor, to promote the interests or advantage of such contractor, or shall make use of any property of any description belonging to the penitentiary, for his own private purpose, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at, or aid, or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he shall, on conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than one nor more than three years; and if any other person shall aid or assist in the escape of any convict from the penitentiary, such person shall, on conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than six months, nor more than one year.

SEC. 7. That neither the directors, warden, or other officer or employee of the prison, shall receive any money or article of value, by gift or otherwise, in payment for, or in consideration of any effort made, or influence used by such officer or employee, to secure a pardon for any convict, or shall receive money or a valuable consideration as a reward for ameliorating the condition of a convict by alleviating the rigor of his punishment, or affording him or her better treatment than

other convicts are ordinarily entitled to receive. Any officer or employee guilty of such offense, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or imprisoned in the jail of the proper county, not exceeding sixty days, or both, at the discretion of the court, and shall be discharged from his office, or employment. No person who shall be in the habitual use of intoxicating liquors, or shall habitually or occasionally become inebriated, shall be appointed or employed as an officer, assistant keeper, or guard, in the penitentiary; and any person who is now or may hereafter be found in such office or employment, who shall be known to be in the habitual use of intoxicating liquors, or shall be habitually or occasionally inebriated, shall be removed from his or their office or employment by the directors, so soon as such facts shall come to their knowledge. The deputy warden and steward shall severally hold their offices for the term of two years, unless sooner removed by the directors; but no such removal shall take place unless for good cause, which shall be entered upon the journal.

Penalty therefor.

Officers prohibited using intoxicating liquors, &c.

Deputy warden and steward.

SEC. 8. It shall be the duty of the directors to appoint a chaplain of the Ohio penitentiary, who shall hold his office for two years, and who shall receive an annual compensation not exceeding eight hundred dollars. The chaplain shall be a minister of the gospel, in good standing in some one of the denominations of this state, who shall be competent to teach the ordinary branches of an English education; and who shall reside in or near the penitentiary, and devote his whole time and ability to the welfare of the convicts confined therein; and shall, in addition to his clerical services, teach such of the convicts as he and the warden may select, the arts of reading, writing, arithmetic and geography, at such hours as may be found most conducive to the interests of the institution. The directors shall not appoint one of their number either warden, chaplain or physician, nor shall either of the officers here mentioned hold any other office or place in the institution. At the close of each year, the chaplain shall report to the directors relative to the religious and moral conduct of the prisoners during the past year, stating therein what service he shall have performed, and the fruits, if any, of his instructions.

Appointment of chaplain; his duties, &c.

Directors not to appoint one of their own number.

SEC. 9. The warden shall have in charge the whole operation of the institution, and shall be its executive and superintending officer; and in case a guard, assistant keeper, or subordinate officer of the institution other than the clerk, should violate any of the laws or rules of the prison, it shall be the duty of the warden to suspend said offending guard, assistant keeper, or officer, until the meeting of the directors next ensuing, who shall then examine into the charge preferred, and discharge or retain said guard, assistant keeper, or officer, as justice may require. During such suspension, the officer or guard shall not be entitled to pay unless reinstated. Upon a like violation on the part of the clerk, the warden or directors shall at once report the facts to the governor, for his action. The warden shall, under the supervision of the directors, attend to the purchasing of all articles for the institution, embracing clothing, provisions, medicine, materials for building or repairs, or any raw material to be manufactured in the penitentiary, wherein the amount of any one article purchased during the year, shall not exceed one hundred dollars.

Powers and duties of warden.

The clerk.

SEC. 10. It shall be the duty of the clerk to act as secretary to the board of directors, and shall do such writing and perform such other duties as may be required of him by the directors and warden of the prison, relating to the affairs thereof, and shall have charge and custody

Duties of the clerk.

of all the books of accounts, bills, registers, returns, and other documents and papers relating thereto, all of which shall be preserved and remain in the prison as public property, and shall be open at all times to the examination of each director, the warden, and every other person authorized by law to examine the same. Abstracts of the books, certified under the hand and seal of either of said directors, shall be good evidence in suit against the clerk, warden, or steward, or his or their securities. The clerk shall attend at the prison daily during the proper business hours, unless, by the request of the directors or warden, he is otherwise engaged in transacting business on account of the prison. He shall open and keep an account with each and every county within this state, and enter the costs of conviction and transportation of all convicts under the head of the county from which they are sent; and he shall, moreover, keep all the vouchers, properly receipted, in support of each and every charge, and file them in progression and numerical order, and the number of the vouchers shall correspond with the entry numbered on the journals of accounts to be kept, and at the expiration of each fiscal year, the vouchers of that year shall be filed and labeled, with the proper year written on the outside, and the whole carefully preserved; and it shall be the duty of the directors to examine, settle, and report the same, in the same manner as the other accounts of the institution are examined, settled, and reported. He shall also open and keep an account with the United States, charging the same for the expense of convicts committed under their authority, and crediting the amount paid for the same. He shall keep the books and accounts of the financial transactions of the prison, which shall present a fair, honest, impartial, and faithful record of the same, written in a plain round hand, with proper indices, upon a system of book-keeping easily understood, which will enable him at all times to present in a plain and intelligible style, a fair exhibit of the financial condition of the institution. Among other entries which it shall be the duty of the clerk to make in the books of the institution, he shall open a separate account in said books with the state; and he shall also have a cash, prisoner's fund, construction, repairing, provision, clothing, bedding and lights, fuel, salaries, hospital, visitor, and miscellaneous account, and an account with the lessees of convict labor, and an account with each officer and employee; and all the entries belonging to any one of the classes, whether they are debits or credits, shall be made under the appropriate head, and shall be kept clear and distinct from all others, a complete balance sheet of which shall be made out quarterly and presented to the directors for their inspection, which shall be certified to by him under oath; and at the close of the year, a settlement shall be had with all parties having dealings with the prison (except convicts), and each of the several accounts shall be adjusted and paid, or, in failure of payment, shall be closed by balance or otherwise, and the balance appearing, either of debit or credit, shall be carried forward to the account of the next year, and an abstract of which shall appear in the annual statement of the clerk, hereinafter provided for, to enable the warden and directors, in their report to the governor, to present a clear and faithful exhibit of the affairs of the prison for each year, distinct from all others. He shall carefully examine, enter, and file away all bills rendered for articles purchased for the prison, and salaries of officers and employees, together with all receipts that may have been obtained in payment thereof, and all receipts for money paid into the treasury on account of the prison, all of which it is hereby made the duty of the warden to

As to accounts,  
 &c.

Account with  
 U. S.

Settlements.

furnish him. He shall keep a register of convicts, in which the names of the convicts shall be alphabetically arranged, and in which shall be entered, under appropriate columns, the date of conviction, where born, age, sex, occupation, complexion, stature, crime, court, county where convicted, term of sentence, number of previous convictions, to what prison or prisons previously sent, when discharged and how discharged, and such additional facts shall be stated on the register as the directors may deem proper. The clerk shall enter and countersign all orders upon the treasury for money; he shall keep a record of all the officers and employees of the prison, the service performed by each, and their compensation; he shall also keep a complete record of all contracts made for supplies for the prison, or for the hire of convicts; he shall furnish visitors with tickets, and keep a strict account of all moneys received therefor. The clerk shall annually (or oftener if called upon by the warden and directors so to do) furnish them a statement, from his books, of the financial transactions of the prison, together with such particulars relating to the convicts as shall be requisite to enable them to make their annual report to the governor, and shall preserve in the prison a set of the official reports made to the governor respecting the same, for which purpose it is hereby made the duty of the state librarian to furnish him a copy annually, as soon as it is published. The clerk shall enter upon the discharge of the duties of his office on the first Monday in May, one thousand eight hundred and sixty-three, and every two years thereafter; he shall be subject to removal, however, at the pleasure of the governor, whenever in his opinion good cause exists for such removal.

His term of office.

Sec. 11. It shall be the duty of the deputy warden to assist the warden in the discharge of his duties, and in the temporary absence or sickness of the warden, shall discharge the duties devolving upon that officer. He shall, under the direction of the warden, have general supervision of the assistant keepers, guards and prisoners, and direct them in their duties and labors; he shall make careful examinations daily of the locks, doors, and cells generally, to see that they are in proper order, and on discovery of any thing wrong or needing repairs, shall report the same immediately to the warden. He shall be constantly moving about the establishment and visiting frequently the workshops, kitchen, hospital, and all departments of the prison, and shall see that good order is observed and that the whole establishment exhibits neatness and cleanliness throughout. He shall inspect the arms and equipments of the wall-guards at least once a week, and shall see that they are in proper order, and that a sufficient amount of ammunition is provided. He shall be present and preside at the meals of the prisoners, unless the warden should be present and supply his place; and the deputy warden shall discharge such other duties as the directors and warden may from time to time require of him.

Duties of the deputy warden.

Sec. 12. The steward shall have charge and custody of all provisions, clothing, forage, fuel, stores, and other supplies of whatever kind purchased for the use of the prison (except medicines), for the proper care and disposition of which he shall be held responsible; he shall keep an accurate account, in a book provided for that purpose, of all articles purchased for the use of the prison and placed in his possession, and of all articles delivered therefrom; he shall take charge of all such articles purchased by the warden and brought to the prison, and for which the warden shall furnish him a bill or invoice whether the

Duties of the steward.

same was bought upon contract or otherwise. Upon receipt of the article, he shall carefully examine the same and compare each article with the invoice or bill thereof, to ascertain whether it corresponds in weight, quality, and quantity with the contract, or with the provisions of law regulating such purchase; and in case the article received does not in all respects correspond, he shall note the discrepancy, and immediately notify the warden or clerk thereof. If the article and invoice agree as to amount, and the quality of the article is good, and the price reasonable, and corresponding with the contract in all respects, the steward shall deliver to the clerk his receipt therefor, which the clerk shall compare with his own entry and the original bill or invoice in his possession, of the same purchase; if any discrepancy appears, it shall be satisfactorily adjusted before payment is made. If the steward's receipt and clerk's entry and invoice correspond, the clerk shall file and preserve the said receipt; and he shall countersign no order on the treasury for the payment of any bill for clothing, provisions or supplies relating to the steward's department, for which he does not hold the steward's proper receipt, or of any bill for medicines without having the physician's receipt therefor. No goods or articles purchased for the prison shall be received by the steward unless accompanied by an invoice as herein provided; such goods or articles, when received, shall be kept in some suitable place within the prison, under his charge, and no goods shall be delivered by him except on a written requisition from the kitchen keeper, the matron of the female prison, or the warden, for the proper use of his or her department, or, in the absence of either, of the person acting as such; such requisition shall in all cases be placed on file, and the articles named in such requisition shall be entered in his book, which book shall state what the articles were, the quantity delivered, and on whose order they were delivered, and to what department or place sent. At the close of the fiscal year, and quarterly during the year, the steward shall make out a correct statement, attested by his affidavit, giving the amount of each article received, and the quantity, the amount and kinds of goods delivered on requisitions, and to whom delivered, and the quantity of each kind of property on hand, with the value thereof at the time; which statement shall be furnished the directors for examination, to be by them compared with the books of the clerk, the result of which shall be entered in the journal.

Appointment  
of matron;  
her duties.

Sec. 13. That the warden, by and with the advice and consent of the directors, shall appoint a matron, who shall hold her office for a term of two years, unless sooner removed, at a salary not exceeding four hundred dollars per annum, whose duty it shall be to superintend the department of the prison appropriated to females, under the general direction of the warden, and according to such rules and regulations as the warden and directors may from time to time prescribe. Suitable apartments shall be assigned to her in the female department of the prison, where she shall be required to reside; and no other person shall be employed or paid in the capacity of matron or assistant matron. The warden and directors may, by order, from time to time, prescribe the kind of labor in which the female convicts shall be employed; providing such employment as in their judgment will best subserve the interest of the state, and tend to promote the welfare of the prisoner. For any violation of the rules of the prison by the female prisoners, the matron shall report the offenses to the warden,

Labor of female convicts.

Violation of rules, &c.

that he may give her such instructions in regard to punishment or correction as the nature of the case may require.

SEC. 14. The directors shall assign to the warden suitable apartments in the prison, where he shall reside with his family, which rooms or apartments he may occupy free of charge. Such officers and employees as the directors may think necessary for the preservation of good order and the safety of the prison, shall be boarded and lodged by the warden within the institution, for which such officer or employee shall pay the warden such amount as may be mutually agreed upon.

Apartments for warden in the prison.  
Employees to be boarded by warden.

SEC. 15. All accounts for claims against the penitentiary, whether for salaries, repairs, buildings, or other objects (except those hereinafter named), shall be made in duplicate—one to the auditor of state, and the other to the comptroller of the treasury. All accounts for provisions, clothing, and supplies for the prison relating to the steward's department, shall be in triplicate—one to the auditor of state, one to the comptroller of the treasury, and the other to the steward of the prison. Accounts for medicines shall likewise be in triplicate; one to the auditor of state, one to the comptroller of the treasury, and the other to the physician of the prison. Before payment shall be made thereon, the clerk shall make an entry of the same on the books of the prison, stating the particulars contained in such bill or account; and the account for the auditor shall be certified by the warden, countersigned by the clerk, and endorsed "approved," by at least two of the directors.

Claims against penitentiary.

SEC. 16. The warden of the penitentiary shall, within five days after the close of each month, make out, certify and file with the auditor of state and comptroller of the treasury, a duplicate statement, in which shall be accurately set forth the names of the several contractors for convict labor, the amount due from each at the close of the month to which the statement refers, and the particular class of labor on which said contract was based. Upon receiving such certified statement, the comptroller shall require immediate payment from the respective parties from whom such sums are due, and when paid, certify the same into the state treasury as in other cases. If payment be not made within fourteen days after demand (of claims due), such claims shall bear interest at the rate of six per cent., from the close of the month in which the labor was performed. On payment, the state treasurer shall execute and deliver his receipt in quadruplicate—one to the person making the payment, one to the auditor of state, one to the comptroller of the treasury, and one to the clerk of the prison: *Provided* a uniform credit of three months for the hire of said convicts may be allowed by the warden and directors to the several contractors: *Provided further*, that on the first day of November in each year, payment in full for the previous year shall be promptly made.

Warden's monthly statement as to contractors.

SEC. 17. All moneys due the institution arising from sources other than claims upon contractors for convict labor, shall be paid to the warden, who shall pay over the same to the treasurer of state at the close of each month; which moneys shall be certified into the treasury, in the same manner that other moneys are certified into the treasury. For all moneys so paid over by the warden, triplicate receipts shall be given, one of which shall be forthwith deposited with the auditor of state, one with the comptroller, and the other retained by the warden, to be entered by the clerk and filed with the papers of the prison. A

What moneys shall be paid over to warden, and disposition thereof by him.

Clerk's quarterly statement thereof.

full and detailed statement of all such moneys received and paid over to the treasurer of state shall be made out by the clerk at the close of each quarter of the year ; which statement shall set forth minutely in detail the several amounts received, from whom, at what time, and on what accounts, and shall be immediately deposited with the auditor of state.

Semi-annual estimate of needed supplies, &c., by warden.

Sec. 18. At the regular quarterly meetings of the board of directors for February and August of each year, the warden shall submit to the board in writing under his hand, an estimate in detail of all the supplies, whether of clothing, provisions, or otherwise, necessary for the support and maintenance of the prison for the six months next ensuing, and also for twelve months ; which estimates shall be accompanied by the report of the steward, giving the amount of each article consumed during the last three and six months, and the amount of each article then on hand. It shall be the duty of the board to make a diligent examination of the estimates thus submitted, and if satisfied that the expenditures contemplated therein are necessary and proper, to determine, in accordance with law, which articles shall be bought by contract, and the quantities of each that shall be included in the advertisement hereinafter provided. The warden and directors may, in their discretion, determine whether contracts shall be made for any or all of the articles to run for six or twelve months, and shall advertise accordingly, appointing the letting to take place as soon after as may be deemed proper to secure favorable contracts, so arranging, that all the different articles wanted, as near as may be, shall be comprehended in the same advertisement and letting. Articles other than those provided to be bought by contract, shall be purchased by the warden, in such manner and quantities, and under such restrictions, as the directors may from time to time prescribe, not inconsistent with law. Should any article, necessary to the support or maintenance of the prison, be inadvertently omitted from the estimates herein provided, the same may be included in an estimate made to some subsequent meeting of the board ; but the necessity for such additional estimates shall be avoided as far as possible. The warden shall submit to the board of directors, at each of their regular quarterly meetings, in writing under his hand, and certified to by the deputy warden, a statement showing the number of assistant keepers, guards and other persons employed about the institution, their names, employment and wages, naming the shop or hall where employed, and shall state in the same whether, in their opinion, the services of any of the said persons may be dispensed with during the quarter next ensuing ; and if the warden and deputy warden should deem it necessary, they shall recommend the appointment of additional assistant keepers or guards ; and if they shall deem such increase necessary, shall name the number needed, and the hall, shop, or place where such person is to be employed, or what service or duty he or they are to perform ; which said statement the board shall cause to be placed upon the journal, and shall take such action relative thereto as in their judgment they shall deem proper. All estimates provided for herein, shall be recorded upon the journal, and the original filed with the papers of the prison.

Duty of the board in relation thereto.

Warden to report quarterly number of assistant keepers, &c.

Estimates to be recorded.

Contracts for provisions ; bids, notice of proposals, &c.

Sec. 19. All contracts for provisions, clothing, medicines, forage, fuel, buildings or repairs for the penitentiary, where the amount involved in the construction of such buildings or repairs shall exceed one hundred dollars, or where, in the purchase of such provisions, clothing, fuel, medicines and supplies, the amount purchased of any one article

during the year amounts to a like sum, the same shall be given to the lowest bidder, at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual market value and price at wholesale; or if the price bid for furnishing material, and constructing buildings or repairs, is fair and reasonable, and not higher than is usual in such cases. Each bid shall be accompanied by a bond, as is provided for in section thirty-nine of this act. Notice of the time, place, and conditions of the letting of each contract, shall be given for at least two consecutive weeks in two daily newspapers in the city of Columbus, and in such other papers as the warden and directors may deem expedient. If all the bids made at such letting are deemed unreasonably high, the directors may in their discretion decline to contract, and shall again advertise for proposals, and shall so continue to renew the advertisement until satisfactory contracts may be had; and, in the meantime, the warden and directors may contract with any one whose offer may be regarded just and proper; but no contract thus made shall be let to run more than sixty days, or shall in any case extend beyond a public letting. No bid shall be accepted, and a contract entered into in pursuance thereof where such bid is higher than any other bid made at the same letting for the same article or labor, where a contract can be had at the lower bid; when two or more bids for the same article or labor are equal in amount, the directors may select the one which, all things considered, may by them be thought best for the interest of the state, or may divide the contract among the bidders, as in their discretion may seem proper and right: *Provided*, no contract shall be given or purchase made wherein either of the directors or any one of the officers of the penitentiary is interested. All contracts or purchases made in violation of this provision shall be void, and no contract shall be valid until approved by the auditor and attorney-general. Upon the acceptance of a bid by the directors, the bidder shall be immediately notified thereof; should he fail within five days thereafter to appear at the office of the penitentiary, and enter into bonds to the satisfaction of the directors, to execute and fulfill the contract, the same shall be considered void.

Bond to accompany each bid.

Sec. 20. The warden and directors may enter into contracts for working the convicts, upon such branches of business as in their judgment will best subserve the interests of the state, and tend to promote the welfare of the prisoners—so arranging as to invite the largest measure of competition on the part of contractors, showing no partiality or preference between them, and not excluding bids for the hire of convicts on branches of business at the time prosecuted in the prison; the said convicts may be hired, in any number not exceeding fifty in one contract, and for any time not exceeding five years; all contracts for working convicts shall be given to the highest bidder, if the price bid shall be a fair and reasonable compensation for the labor of the convicts, of the letting of which the directors shall give at least four weeks' notice in two daily or weekly papers in the city of Columbus, one in the city of Cincinnati, and one in the city of Cleveland. Each bid shall be accompanied by a bond, as is provided for in section thirty-nine of this act; and all contractors shall be required by the directors to give security to the state of Ohio for the faithful performance of their contracts, in such amounts as the directors, in their judgment, may think proper and right, at any letting provided for herein. If the bids made should be less than a fair and reasonable compensation for the labor thus bid for, the directors may, at their discretion, decline to

Contracts for working convicts.

Contractors' bonds.

Re-letting of contracts.



Temporary  
employment  
of convicts.

contract at the rates offered, and shall, at the expiration of ninety days thereafter, proceed again to advertise for a new letting, as before, and shall so continue, at stated periods of ninety days, to advertise a letting of contracts, until the same shall be successful; and, in the meantime, all convicts not contracted for, according to the provisions of this section, shall be hired, or otherwise employed by the directors and warden in such manner as they may deem most conducive to the interests of the state; such employment shall be regarded as temporary, to terminate at any public letting, and not to extend over the period of three months; and in no case wherein a public letting of convicts shall be had, shall any bid be accepted and a contract entered into, where such bid is lower than any other bid made for the same labor. The time fixed upon for any letting of convicts shall be at least four weeks prior the expiration of the term for which the convicts to be let shall have been previously hired.

Tasks to be  
assigned con-  
victs.

SEC. 21. It shall be the duty of the warden and directors to make such arrangements with the contractors who now have contracts for convict labor, and so to make all future contracts, as will permit each convict who performs his task in a workman-like manner, to have a certain amount of labor allotted him each day for a day's work, and the time so gained, after the performance of the task, may be occupied in attending the prison school, or in labor for the contractors, whichever may be thought best by the warden, the labor to be at the same rate the contractors pay the state for the same work; and if any convict who shall have so made over-work, shall for any cause be unable to make full work on any other day or days, no deduction shall be made from his over-work earnings on that account. It shall be the duty of the officer in immediate charge of the prisoners to take daily account of the over-work so made, and to return the same to the office at the end of each month. The money so earned shall be paid into the state treasury, upon the certificate of the warden, and shall be collected the same as money due the institution from the contractors, and the contractors are hereby prohibited from paying in money or otherwise to any other person or persons whatever, on account of convicts' over-work; and an accurate and detailed account of all such moneys, by whom earned, the time when, the amount, and to whom payable, shall be kept by the said warden, in a book provided for that purpose, and shall also enter the same monthly, in a pass book which the prisoner may keep for that purpose.

Overwork.

Moneys due to  
convicts to be  
paid into state  
treasury.  
Treasurer's  
duty.

SEC. 22. It shall be the duty of the contractor, at the close of each month, to pay into the state treasury the aggregate amount then in his hands belonging to the several convicts for over-work. The treasurer shall receive and receipt for the money, as in case of state funds; receipt in duplicate, one to the warden and the other to the contractor, and the warden shall dispose of the receipts as directed in section ten of this act. The treasurer shall open and keep an account with the fund to be denominated "the prisoner's over-work fund." Each convict, at the close of his term, may draw from the treasury his proportion of the fund, upon the certificate of the warden, and upon the written request of the convict, to be filed with the auditor of state. The warden at any time, on request of the prisoner, and with the approbation of the board of directors, may draw from the treasury the amount due such convict from the fund, or any part thereof, for the purchase of books or magazines, for the use of the convict, of a character to be approved by the warden and chaplain, which said books or magazines shall be pur-

When and how  
money to be  
drawn from  
treasury.

chased for the convict, by or under the direction of the warden, for which no commission shall be charged, in such a manner that the convict may have them at the lowest cash price at which they may be obtained of the publishers, unless a small number only of each description should be taken, in which case a fair retail price may be charged. But no cost shall accrue to the state for postage or other expenses which may arise under this section. The convict may also, in the manner herein provided, at any time draw money which is due him, for the purpose of transmitting the same to his family or friends, for their use, or to be invested for him until his release, but for any other use the convict is hereby prohibited from drawing money from the treasury: *Provided*, that nothing herein contained shall prevent the convict at the time of his release from drawing the full amount of money then due him.

Money may be drawn for benefit of families or friends of convicts.

SEC. 23. That each convict possessing a fair knowledge of reading, writing, and arithmetic, shall be kept at work every day in the year, Sundays excepted, not exceeding an average of ten hours each day during the year; and when the labor of each day is finished, such tools and materials as may be easily removed shall be taken to places of safety until the hour of labor shall return. Upon no pretext shall a convict on contract be required to labor on Sunday, nor shall any convict be compelled to do other than necessary labor for the state on that day; facilities for attending religious services regularly on Sunday shall be afforded each convict, so far as the same can be done judiciously.

Time of daily labor of convicts.

Sunday labor on contracts in no case to be required.

SEC. 24. That the auditor shall keep a regular account with the warden of the penitentiary, charging him with all moneys paid on account of the institution, and crediting him by all moneys paid into the treasury on the production of the treasurer's receipt for said payment.

Auditor's account with penitentiary.

SEC. 25. The warden is hereby authorized, so far as practicable with existing contracts (and all contracts hereafter made for convict labor shall so provide), to classify the convicts according to their age and disposition—placing all young men under twenty-one years of age (unless the conduct of the same shall forbid it), in a shop or shops by themselves, and give them such work as will be most beneficial to them when discharged; and persons convicted of the higher crimes, or who shall be convicted a second time of penitentiary offenses, or whose conduct may require it, shall be worked in a shop by themselves, and all incorrigibles may be confined in cells or worked in cells or shops by themselves, at such employment as the warden and directors, or a majority of them, may deem most fitting for them or profitable to the state.

Classification of convicts.

SEC. 26. It shall be the duty of the warden and directors to allow to all convicts to whom, from the nature of their employment, it is impracticable to assign a daily allowance of work, and who, in the judgment of the warden and directors, are entitled thereto by their fidelity and extra labor, such compensation as may appear to them equitable in comparison with the amount of labor required of other prisoners. If such labor is performed for a contractor or the warden, the said compensation to be required from the contractor or warden for whom it was performed, shall be collected, kept and paid into the treasury in the same manner as other overwork money. If such labor is performed for the state, it shall be paid for by the state.

Compensation where task cannot be assigned.

SEC. 27. That the warden of the penitentiary is hereby required to receive all criminals sentenced to the penitentiary by the authority of the United States, and to keep them at hard labor, or in solitary confinement, agreeably to the order of the court pronouncing such sentence, until legally discharged therefrom; and the warden shall certify the ex-

U. S. convicts to be received, etc.

pense of every convict committed to his care under this section, as is required of sheriffs by the act entitled "an act for the confinement of prisoners under the authority of the United States in the jails of this state," and the warden shall be allowed to charge and receive therefor, for the use of the state, at the rate of forty cents per day for board, the actual cost of clothing furnished, and one dollar per month for the use of the prison for each of said prisoners, during the time the same shall be confined; and prisoners confined under the authority of the United States, shall be subject in all respects to the same treatment as though committed under state laws.

General rules  
for treatment  
of prisoners.

SEC. 28. It shall be the duty of the warden to provide all convicts with a clean straw bed, and sufficiency of covering at all times to protect them from the inclemency of the season, and also with garments of a coarse material, suited to and sufficient for the season; and he shall furnish them with a sufficiency of coarse but wholesome food, with such alternation of food as in the opinion of the physician of the penitentiary shall be most conducive to the health of the prisoners; and it shall be the duty of the warden, when in his opinion it shall be necessary, to employ suitable persons to instruct the prisoners in any work in which they may be employed, when the same is for state purposes; and during part of the time of his or her confinement, as the court before whom such conviction shall be had shall direct to be in solitary cells, such prisoner shall be confined in the solitary cells, at such intervals and in such manner as the warden and directors may deem proper; and one or more guards shall patrol said penitentiary at least twice in every hour during the night, until the hour of labor on the succeeding morning.

Officers and  
employees  
prohibited em-  
ploying con-  
victs, &c.

SEC. 29. That neither the warden, directors, or other officer or employee of the prison, shall employ the labor of any convict, or of any other person who may be in the employment of the prison, in any work or labor in which such warden, director, officer or employee is himself personally interested, except that the warden by an agreement with the directors may employ about his household such convicts as he may need, for which a compensation shall be made the state, which the directors may deem just and reasonable. No officer or employee of the prison, contractor, foreman, or any other person, shall have any goods or wares made, repaired, or manufactured in the state shops, nor shall any prisoner be permitted to repair or manufacture any article, goods or wares, except for the contractor who hires him, or for the state. No officer, or employee of the prison, or other person, shall buy for him or themselves any provisions, fuel or supplies, or any article in connection with the supplies purchased for the prison, nor shall officers or other persons use for themselves or family, or purchase any provisions, fuel, or supplies, or any article whatever bought for the use of the institution. Any person offending against either of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and if an officer of the prison, shall be discharged from his office.

Penalty there-  
for.

Use of inebri-  
ating liquors  
prohibited ex-  
cept for the  
sick.  
Barter with  
convicts pro-  
hibited.

SEC. 30. That no vinous, spirituous, or fermented liquors, except such as may be prescribed by the attending physician for any convict in ill health, shall be introduced, given, bartered or sold to any of the convicts within the penitentiary. And no goods, the property of the state or of any contractor or contractors, or of any convict within the penitentiary, shall be bought, bartered or exchanged with any convict. Nor shall any article of goods or property be given or sold by any per-

son to a convict, unless the consent of the warden shall be first obtained; and any person or persons offending against either of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, for every such offense shall be fined in any sum not exceeding fifty dollars, or imprisoned in the jail of the proper county for any length of time not exceeding thirty days, at the discretion of the court.

Sec. 31. It shall be lawful to punish prisoners for the infraction of the discipline by solitary confinement in dark cells, and by deprivation of food other than bread and water, but no other punishment whatever shall be inflicted. Should the warden, deputy warden, or other officer or employee of the prison be found guilty of violating this provision, the directors shall forthwith cause the officer or employee so offending to be discharged from his office or employment: *Provided, always*, That when several convicts combined, or any single convict, shall offer violence to any officer or guard of the penitentiary, or to any other convict, or do, or attempt to do any injury to the building or any work-shop, or to any appurtenance thereof, or shall attempt to escape, or shall resist or disobey any lawful command, the officers of the prison shall use all suitable means to defend themselves, or to enforce the observance of discipline, to secure the persons of the offenders, and to prevent such attempted violence or escape; or if the guards employed in said penitentiary, or any of them should, in the attempt to prevent the escape of any convict, or in attempting to retake any convict who has escaped, or in attempting to prevent or suppress a mutiny, take the life of such convict, such guard shall not be held responsible therefor unless the same was done unnecessarily and wantonly. The by-laws regulating the discipline of the prison, shall be plainly printed in the language of the convict, and posted in each cell, or otherwise published so each prisoner shall know them.

Punishment of refractory convicts.

By-laws to be posted in each cell.

Sec. 32. No punishment shall be inflicted upon a prisoner but by direction of the warden or deputy warden, upon sight of an offense, or upon complaint made by an officer or guard; on such complaint being made, the convict accused shall be permitted to make a statement of the case, and having been heard, the degree of punishment shall be determined according to the gravity of the offense; and it shall be the duty of the deputy warden to keep a book, in which shall be entered a record of every infraction of the published rules of discipline, with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their regular session; and every prisoner who may have been sentenced for a term of years, who shall, at the end of each month, have no infraction of the discipline so recorded against him, shall for the first month, be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the next month no infraction of the discipline is recorded against him, he shall be entitled to two additional days diminution from his sentence; and if he shall continue to have no such record against him a third month, his time shall be shortened three additional days; and he shall be entitled to five days diminution of time from his sentence for each subsequent month he shall so continue in his good behavior; and if any prisoner shall so pass the whole time of his sentence, he shall be entitled to a certificate thereof from the warden, and on presentation thereof to the governor, he shall be entitled to a restoration of all rights of citizenship which may have been forfeited by his conviction; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the time of his sentence, less the

Punishment to be inflicted only by direction of warden or deputy.

Discipline book to be kept.

Diminution of term of sentence for good conduct.

For entire good conduct, entitled to restoration to citizenship.

Discretion of directors as to diminution of term.	<p>number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made: <i>Provided</i>, That if such convict shall be guilty of the violation of the printed and published rules of the prison after he shall, as provided in this section, have become entitled to a diminution of his term of service to which he has been sentenced, the directors shall have power to deprive, at their discretion, such convict of a portion or all (according to the flagrancy of such violation of discipline) of the diminution of the term of sentence, to which he had previously been by this act entitled; and the warden shall make known to the convicts the provisions of this section when they are received into the prison.</p>
Light at night.	<p>SEC. 33. The warden shall furnish to each prisoner sufficient light to enable him to read from the time he is shut up in the evening until the ringing of the bell for going to bed, unless the warden has good cause to believe that a convict is making improper use thereof, in which case he shall not be so furnished.</p>
Proviso as to existing contracts.	<p>SEC. 34. <i>And provided, always</i>, That nothing in this act shall be so construed as to interfere with existing contracts for prison labor, unless by consent of parties, in the event of which the same shall be endorsed upon the original contract and signed by the parties, which shall be binding in all respects as though no change had been made.</p>
By-laws, rules and regulations.	<p>SEC. 35. The directors and warden of the penitentiary shall, from time to time, establish by-laws, rules and regulations for the discipline and government thereof, and the warden, for himself and assistants, shall be held responsible for the observance and enforcement of such by-laws, rules and regulations: <i>Provided, always</i>, That such by-laws, rules and regulations shall not be contrary to law; and the directors shall submit such by-laws, rules and regulations to the legislature at each session thereof; <i>And provided, always</i>, That nothing in this act shall be so construed as to prevent officers of the Ohio penitentiary from holding their respective offices until their successors in office shall be appointed and qualified.</p>
Hospital.	<p>SEC. 36. The hospital of the penitentiary shall, under such conditions as the directors, warden and physician may provide, be accessible to the professors and students of Starling medical college, and other physicians of Columbus, once a week, during the annual college terms, for clinical instruction: <i>Provided</i>, That no convict shall be subjected by such professors to any involuntary examination or surgical operation.</p>
Special rewards.	<p>SEC. 37. It shall be lawful for the directors and warden to reward, at their discretion, any prisoner who by meritorious conduct shall signally serve the interests of the institution or the state; and may permit an extra reward to be given to prisoners, not interfering with the interests of the state.</p>
Duties of warden on expiration of his term, and duties of successor.	<p>SEC. 38. That in every case in which a new warden for the penitentiary shall be appointed, the warden whose term of office shall have expired, shall deliver over to his successor quiet and peaceable possession of the penitentiary buildings, with all the property of the state in his possession, together with the convicts; and it shall be the duty of such succeeding warden to give to his predecessor a receipt for the property and convicts aforesaid; the warden whose term of office shall have expired shall also make out, under oath, a full and detailed account of all the receipts and expenditures of the penitentiary since his last annual report, or that have not been reported to the auditor of state at any time during his term of office; also, a true inventory, with the contract price of all the property in his possession as such warden, belonging to the</p>

state, consisting of raw materials and manufactured articles, medicines, forage, and all kinds of provisions provided for in the penitentiary, and shall deliver the same over to his successor, together with all moneys on hand, stating in full the sources of said moneys and the amount from each source; it shall be the duty of the succeeding warden to give to his predecessor in office his receipt for such property and moneys as may be scheduled and delivered over to him as aforesaid; and if any such retiring warden shall refuse or neglect to comply with any of the provisions of this section, he shall be held guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and be imprisoned in the county jail for any period not less than one month nor more than six months, or both, at the discretion of the court.

Sec. 39. That whenever any bond is required of a contracting party by the provisions of this act, every such contracting party shall file his said bond with the said warden and directors at the time of putting in such proposals or bids for each contract, which said bond shall be in such sum as the said warden and directors shall direct, conditioned that the party making the proposals or bids, will accept the contract if the same be awarded to said party, and for the faithful performance of the contract on the part of such contracting party, and no bids or proposals shall be received unless such bond accompany the same.

Bonds of contractors to be filed.

Sec. 40. The warden, deputy warden, clerk, steward, physician, chaplain, matron, and the guards and other employees of the prison, shall be paid monthly, out of the state treasury, on the certificate of the warden, countersigned by the clerk, and endorsed by at least two directors, and the directors shall be paid quarterly.

Payment of officers and employees.

Sec. 41. That all fines arising out of prosecutions under this act shall be collected by the proper officer, and paid into the state treasury for the use of the state.

Fines.

Sec. 42. The terms of all persons holding office under the provisions of the acts repealed by section forty-three of this act, shall expire upon the appointment and qualification of the officers whose terms of office are provided for in this act. The office of clerk of the penitentiary, as provided for and created under the provisions of former laws, is hereby abolished; to take effect upon the day preceding the first Monday in May next. No change of salary of officers and employees provided for herein, shall effect those now holding office or employment, under their present appointment.

Expiration of terms of present incumbents.

Sec. 43. That the act entitled "an act providing for the appointment and more thorough system of accountability of officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts, passed March 24, 1860," and an act entitled "an act to prevent dealing with convicts, passed February 25, 1834," also sections six, seven, eight, nine, ten, eleven, twelve, twenty, twenty-one, twenty-three, twenty-four and twenty-five of an act entitled "an act making provisions for carrying into effect the acts for the punishment of crimes, passed February 20, 1835," and all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

Sec. 44. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 24, 1863.

## AN ACT

To authorize the city of Cincinnati to enter upon and occupy a part of the Miami and Erie canal as a public highway and for sewerage purposes.

City of Cincinnati authorized to occupy a portion of Miami and Erie canal for highway and sewerage purposes.

Proviso.

Revenues reserved, and water privileges not to be obstructed.

Lessees of public works not relieved.

When governor required to execute grant to city of Cincinnati.

Restriction as to taxation, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That authority and permission shall be granted, in the manner hereinafter pointed out, to the city of Cincinnati, to enter upon, improve, and occupy forever, as a public highway and for sewerage purposes, all or any of that part of the Miami and Erie canal which extends from the east side of Broadway, in said city, to the Ohio river, including the width thereof, as owned or held by the state; but the said grant shall be made subject to all outstanding rights or claims, if any, with which it may conflict: *Provided*, That no work shall be done by said city authorities on the premises hereby granted until the plan of improvement shall be approved of by the board of public works.

SEC. 2. The said grant shall not extend to the revenues derived from the water privileges in said canal, which are hereby expressly reserved; and the said grant shall be made upon the further condition that the said city, in the use as aforesaid of all or any of said portion of said canal, shall not obstruct the flow of water through said canal, nor destroy nor injure the present supply of said water for milling purposes, and that said city shall be liable for all damages that may accrue from such obstruction or injury; but it is not intended hereby to relieve the lessees of said canal, or their assignees, from any responsibilities imposed upon them by "an act to provide for leasing the public works of the state," passed May 8, 1861, or by the instrument of lease executed in pursuance of said act, except as and to the extent that they may be interfered with, as said city may, from time to time, enter upon, improve, and occupy any part of said grant.

SEC. 3. Whenever the council of said city, by a vote of not less than two-thirds of the whole number of members thereof, shall decide to use said canal as herein authorized, the said council shall make known its decision to the governor, and thereupon the governor, in behalf of the state, shall execute and deliver to the city of Cincinnati a grant of the part of said canal herein described for the uses and purposes before mentioned, and upon the terms and conditions specified in this act. The attorney general shall prepare the form of said grant.

SEC. 4. This act shall not be construed to confer upon said city any new power of taxation, or to borrow money, or to contract debts in the use as aforesaid of said canal.

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 24, 1863.

## AN ACT

Sw. & Cr.,  
1493.

Supplementary to "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of cities of the second class, having not less

than thirteen thousand inhabitants at the last federal census, are hereby authorized and empowered to raise money for the purpose of procuring a site for a work-house, and of erecting thereon suitable buildings for the same, by the issue of the bonds of such corporation to an amount not greater than twenty-five thousand dollars, payable in twenty years, with annual interest at six per cent. : *Provided*, Three-fourths of the members of the city council of such city shall concur in the passage of any ordinance for that purpose. The bonds authorized to be issued by this act shall not be sold for less than their par value.

Provision for a work-house in cities of the second class.

SEC. 2. That in all cities of the second class, having not less than thirteen thousand inhabitants at the last federal census, where there is a house of refuge, house of correction, or work-house established, or may hereafter be established, and ready for the reception of such persons as are authorized by existing laws to be sent there, the city council shall have power to define and limit, by ordinance, in addition to the fines and penalties already prescribed by law, the term for which any person may be sentenced to confinement and labor in such house of refuge, house of correction, or work-house, as a penalty for the violation of any of the penal ordinances of said city: *Provided*, Such term of imprisonment shall not exceed six months for persons over the age of sixteen years.

Power of city councils as to fines and penalties.

SEC. 3. That the council of any such city shall have power to provide for the receiving and commitment into such house of refuge, house of correction, or work-house, infants under the age of sixteen years, in the manner and as fully as is now provided for in an act entitled an act to authorize the establishment of houses of refuge, passed April 16, 1857.

Power as to infants.

SEC. 4. The council of any such city shall have power, in the manner provided by law for the assessment and collection of general taxes, to assess and collect such taxes, from year to year, as may be necessary to provide funds for the payment of the annual interest on the bonds authorized by this act, and in like manner to assess and collect such taxes as may be necessary to provide for the payment of said bonds when the same fall due, and for the maintenance of such house of refuge, house of correction, or work-house, and payment of the necessary current expenses of the same.

Power as to assessment and collection of taxes for work-house, &c.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 25, 1863.

#### AN ACT

To provide for the disposition of unclaimed property in the possession of railroad companies, express companies, common carriers, forwarding and commission merchants, wharfingers, and warehousemen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of all railroad companies in this state operating a railroad, situated in whole or in part in this state, to keep a

Railroads required to keep register of un-



claimed goods,  
 &c., in principal office.

register at the principal office of said company, when such principal office is situated in this state; and if such principal office is not situated in this state, then at some office upon the line of such railroad within this state; in which register shall be entered a list or inventory of all goods, wares, merchandise, baggage, or other property which may be left in the possession of such company, by reason of the owner or owners being unknown, or when such owner's residence is not known, or when such property has been refused, or when the owner has neglected to receive and take the same for a period of sixty days.

Directions as  
 to registering.

Sec. 2. That each railroad company shall cause to be entered upon said register the kind of goods, wares, merchandise, baggage, or other property, or if the same be contained in a box, cask, bale, trunk, or package, then a particular description of such box, bale, trunk, cask, or package, specifying the size, weight, color, and marks thereon, and the depot, warehouse, or other place where the same is deposited, the point or station on said road, and the time when the same was received by said company, with the supposed value thereof, and the amount of charges claimed thereon by said company.

Quarterly list  
 of registered  
 property to be  
 sent to auditor  
 of state.

Sec. 3. The secretary of each and every railroad company shall, on the first day of April, July, October, and January, each and every year, make out and forward to the auditor of state, a full and complete list of all such property which may have been in the possession of said railroad respectively, for a period of ninety days next before making such report, which list shall contain an accurate description of said property as entered upon the register of said office of the said railroad company, with the sum claimed as charges thereon by said company.

Auditor of  
 state may order  
 delivery of  
 such property  
 to sheriff or  
 county auditor.

Sec. 4. It shall be lawful for the auditor of state to cause all such property to be delivered by such railroad company to the auditor or sheriff of the county in which said property may be situated, and for that purpose he may draw his order upon such railroad company, requiring such company to deliver such property, or such goods, wares, merchandise, baggage, or other property to said auditor or sheriff, as he may direct; and upon the presentation of such order to the person having charge of any of said goods or other property, such person or persons shall deliver the same, as directed by said order, for which the said auditor or sheriff, as the case may be, shall give duplicate receipts to said company, one of which the person receiving the same shall forward to the auditor of state, to be filed in his office, which order and receipt shall be a full and complete discharge to said company for all the property named therein.

Said property  
 to be advertised.

Sec. 5. The auditor of state shall, within sixty days after the receipt by him of the receipt of such auditor or sheriff, cause a notice to be published in some newspaper having a general circulation in this state, giving a pertinent description of said property, the office and residence of the person having the custody thereof, and notifying the owner thereof to appear and claim the same within six months from the date of said notice, which notice shall be published four weeks consecutively.

Property to be  
 delivered to  
 owners if  
 claimed within  
 six months.

Sec. 6. If the owner or owners of said goods, wares, merchandise, baggage, or other property shall, within said six months from the date of said notice, make it appear to the satisfaction of said auditor of state that he, she, or they are the owner of said property, or any part thereof, and shall pay to the treasurer of state the amount of charges claimed or due to the railroad company thereon, together with a just proportion of the expenses incurred by the said auditor of state, and the other persons under his direction, he shall cause such property so belonging to such

person or persons, to be delivered to them; for which purpose he shall draw his order upon the county auditor or sheriff having such property in charge, and upon the receipt of such order, the said county auditor or sheriff, as the case may be, shall deliver such property to such party, and shall take duplicate receipts therefor, one of which he shall forthwith file in the office of the county auditor, and the other he shall forward to the auditor of state, to be by him filed in his office.

SEC. 7. If the said goods, wares, merchandise, baggage, or other personal property, shall not be claimed by the owner thereof within six months after the date of the publication of such notice, the said goods, wares, merchandise, baggage, or other personal property, shall escheat to, and be vested in the state of Ohio, and shall be disposed of as is or may be provided for by law for other property escheated to the state: *Provided*, That if such property be of a perishable nature, the auditor of state may cause the same to be sold at any time after the expiration of sixty days from the date of said notice: *And provided further*, That jewelry shall not be sold in less than one year after the publication of said notice.

If not claimed, property to escheat to state.

Perishable, property to be sold.

SEC. 8. When any of the property aforesaid shall be sold in pursuance of the laws of this state, it shall be the duty of the county auditor making such sale, to make out and return forthwith to the auditor of state a true and full statement of such sale, specifying separately the price for which each article was sold, and to whom sold; and he shall, also, file a correct copy thereof in the office of the county auditor, and such sale shall vest the title to said property in the purchaser. The sale shall be made under an order of the auditor of state. And the auditor or sheriff having charge of such property, or selling the same, shall be entitled to receive the same fees for their services as are or may be allowed by law for similar services in other cases, which they may retain out of the proceeds of such sale.

Statement of property sold, to be filed, &c.

Fees.

SEC. 9. The officer making such sale shall, within five days thereafter, pay over to the county treasurer of his county the proceeds of such sale, deducting therefrom the proper fees and expenses, and shall take from such treasurer duplicate receipts therefor, one of which he shall forthwith transmit to the auditor of state, and the other shall be filed in the auditor's office for said county; and the county auditor shall charge the same to said treasurer, and the treasurer shall, at his semi-annual settlements with the treasurer of state, pay the same over to said treasurer of state.

Proceeds of sale to be paid over to county treasurer.

SEC. 10. The auditor of state shall keep an account of the funds arising from all sales made under the provisions of this act; and he shall draw his warrant upon the treasurer in favor of any railroad company for the amount which may be due to such company for freight or charges on such property, and, after deducting the expenses and charges of said railroad company, the costs and expenses incident to the care and sale of such property, he shall credit any balance to the common school fund, and the interest arising therefrom shall be annually distributed with the other school funds in this state: *Provided*, That in no case shall a greater amount be paid to any railroad company, or party claiming therefor, than the proceeds arising from the sale of such goods, wares, merchandise, baggage, or other property, after deducting therefrom the expenses incident to the sale thereof.

Auditor of state to pay claims of railroads, &c.

SEC. 11. If the owner of any such property shall at any time within five years reclaim the same, and produce satisfactory evidence to said auditor of his ownership thereof, the said auditor shall draw his warrant

Owner of property sold, may reclaim

same within  
five years.

Penalty for  
avoiding or  
neglecting  
provisions of  
this act.

Provisions of  
this act extend-  
ed to express  
companies, &c.

upon the treasurer of state for the amount for which such property was sold, deducting a due proportion of expenses and costs incident to the care and sale of such property.

SEC. 12. If any railroad company shall carry out of this state any goods, wares, merchandise, baggage or other property, with the intent to avoid any of the provisions of this act, or if any railroad company shall refuse or neglect to perform any of the duties required by this act, every such company shall forfeit and pay any sum not exceeding double the value of the property so carried out of the state, or of the injury sustained by any party or person by such refusal or neglect; and if any person having the custody of any such property shall conceal, embezzle, or in any manner dispose of the same with intent to avoid the provisions of this act, or convert the same to their own use, every person so offending shall be deemed guilty of larceny, and, upon conviction thereof, shall be punished as for stealing other property of like value.

SEC. 13. The provisions of this act shall extend to and include all express companies, common carriers, forwarding and commission merchants, wharfingers and warehousemen, carrying from, bringing to, or doing business in this state. And the duties enjoined upon the secretaries of the respective railroad companies, on behalf of such railroad companies, in making report to the auditor of state, shall be performed by the agent of the express companies, the agent or clerk of the common carriers for the respective companies, and by the forwarding and commission merchants, wharfingers, and warehousemen respectively, as to all goods, wares, merchandise, baggage, or other property in their respective possession.

SEC. 14. This act shall take effect upon its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 25, 1863.

#### AN ACT

To punish counterfeiting and forging notes issued by authority of Congress.

Specifications  
of the crime.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or shall willingly aid or assist in falsely making, forging, counterfeiting, or altering any stamps, notes, bond, coupon, or other security, issued under the authority of any act of congress, or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into this state with intent to pass, utter, publish, or sell, or shall have or keep in possession, or conceal with intent to pass, utter, publish, or sell, any such false, forged, counterfeited, or altered, stamp, note, bond, coupon, or other security, with intent to defraud any body, corporate or politic, or any other person or persons whatsoever, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and shall be imprisoned in the penitentiary and kept at hard labor not exceeding fifteen years, according to the aggravation of the offense.

Punishment

**SEC. 2.** That if any person, having the custody of any plate or plates from which any stamps, notes, bonds, coupons, or other securities, mentioned in this act, or any part thereof, shall have been printed, or which shall have been prepared for the purpose of printing any such notes, bonds, coupons, or other securities, or any part thereof, shall use such plate or plates, or knowingly permit the same to be used for the purpose of printing any such stamps, notes, bonds, coupons, or other securities, or any part thereof, except such as shall be printed for the use of the United States by order of the proper officer thereof; or if any person shall engrave, or cause or procure to be engraved, or shall aid in engraving, any plate or plates in the likeness or similitude of any plate or plates designed for the printing of any such stamps, notes, bonds, coupons, or other securities, or any part thereof; or shall vend or sell any such plate or plates, or shall bring into this state any such plate or plates with any other intent or for any purpose, in either case, than that such plate or plates shall be used for printing of such stamps, notes, bonds, coupons, or other securities, or some part or parts thereof, for the use of the United States, or shall have in his custody or possession any metallic plate engraved after the similitude of any plate from which any such stamps, notes, bonds, coupons, or other securities, or any part or parts thereof, shall have been printed, with intent to use such plate or plates, or cause or suffer the same to be used, in forging or counterfeiting any such stamps, notes, bonds, coupons, or other securities, or any part or parts thereof, issued as aforesaid, or shall have in his custody or possession any blank note or notes, bond or bonds, coupon or coupons, or other security or securities, engraved and printed after the similitude of any notes, bonds, coupons, or other securities, issued as aforesaid, with intent to sell or otherwise use the same; or if any person shall print, photograph, or in any other manner execute or cause to be printed, photographed, or in any manner executed, or shall aid in printing, photographing, or executing any engraving, photograph, or other print or impression, in the likeness or similitude of any such stamps, notes, bonds, coupons, or other securities, or any part or parts thereof, except for the use of the United States, and by order of the proper officer thereof, or shall vend or sell any such engraving, photograph, print, or other impression, except to the United States; or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression, for the purpose of vending or selling the same, except by the direction of some proper officer of the United States, or shall have in his custody or possession any paper adapted to the making of such notes, bonds, coupons, or other securities, and similar to the paper upon which any such stamps, notes, bonds, coupons, or other securities, shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the stamps, notes, bonds, coupons, or other securities issued as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and shall be imprisoned in the penitentiary and kept at hard labor not exceeding fifteen years, according to the aggravation of the offense.

Having custody of or using counterfeit plates, &c.

Engraving, or conniving at engraving.

Vending or selling.

Printing, photographing, &c.

Punishment.

**SEC. 3.** This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 26, 1863.

## AN ACT

To authorize the transcribing of county records in certain cases.

When commissioners may cause records to be transcribed, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the records of deeds, mortgages, or other instruments of writing, required by law to be recorded by the recorders of counties in any county or counties of this state, have or may hereafter become injured or defaced, so as to require such records to be transcribed into a new book or books, the county commissioners of such county or counties shall cause the same to be transcribed, and such record or records so transcribed shall be as valid in law as the original record; and transcripts of the same, duly certified, shall be received and taken as of the same force and effect.

Transcribing to be contracted for to lowest bidder.]

SEC. 2. That when the county commissioners of any such county shall deem it necessary to have such record or records transcribed, they shall cause public notice to be given, by publication for four consecutive weeks, in some newspaper published in said county, and having general circulation therein, that sealed proposals will be received by the auditor of the county, on or before a day specified in said notice, for transcribing said record or records, and such proposals shall state the lowest amount for each one hundred words of transcribing such record or records, and indexing the same; and such commissioners shall contract with the lowest responsible competent bidder for transcribing and indexing the same: *Provided*, They shall in no case allow a greater compensation than is now allowed by law for similar services.

Contractor to give bond.

SEC. 3. That any person so contracting to transcribe and index such record or records, before entering upon such duty, shall execute a bond to the state of Ohio, in the penal sum of one thousand dollars, with sureties to the acceptance of the commissioners of the county, conditioned that he will faithfully transcribe such record or records and index in a fair, legible hand; and he shall also take an oath that he will faithfully discharge said duty.

Act repealed.

SEC. 4. The act entitled an act in relation to public records, passed April 17, 1857, is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 26, 1863.

## AN ACT

For the confinement of persons indicted for crime committed while in the penitentiary.

Convicts indicted for crimes in peni-

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any convict in the Ohio penitentiary shall be indicted for any crime committed while confined therein, said convict shall

remain in the custody of the warden of said penitentiary, subject to the order of the court of common pleas of Franklin county.

penitentiary, to remain there until tried.

Sec. 2. This act to take effect upon its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 27, 1863.

#### AN ACT

Changing the time fixed for holding the summer term of the court of common pleas in Belmont county, for the year 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed by the judges of the eighth judicial district of the state of Ohio, for holding the summer term of the court of common pleas in the county of Belmont be changed, and that the summer term of said court of common pleas be held in said county of Belmont on the sixteenth of June, eighteen hundred and sixty-three.

Summer term in Belmont county, changed.

Sec. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 27, 1863.

#### AN ACT

To amend an act entitled "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852, and the several acts amendatory thereof and supplementary to said act," passed April 5, 1856.

Sw. & Cr. 1542.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7 of the act entitled "an act to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof, and supplementary to said acts," passed April 5, 1856, be and the same is hereby amended so that the same shall read as follows: Sec. 7. The city civil engineer, the superintendent of markets, [and] city fire engineer, shall, on the recommendation of the mayor, be appointed by the city council on the second Tuesday in April in each year, and shall hold their respective offices for one year, and until their respective successors are appointed, and shall receive respectively such compensation for their services as the city council may allow.

City civil engineer, superintendent of markets, city fire engineer.

Sec. 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 3, 1863.

## AN ACT

To provide for securing allotment certificates of the Ohio volunteers.

Governor to  
nominate  
three allot-  
ment commis-  
sioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the governor of the state of Ohio to nominate to the president of the United States, three suitable persons, citizens of this state, for appointment as commissioners for procuring the allotment certificates of the volunteers from this state, in the service of the United States, in pursuance of the act of congress, approved December 24, 1861, entitled "an act to provide for allotment certificates among the volunteer forces," and in case of the resignation, death, disability, or removal of any commissioner so appointed, to nominate to the vacancy, if the governor shall deem the same necessary and expedient.

Bond of allot-  
ment commis-  
sioners.

SEC. 2. Each person so appointed said commissioner, shall, before being entitled to any compensation under this act, give bond to the state of Ohio in the penal sum of ten (10) thousand dollars, to be approved by the governor, conditioned for the faithful performance of his duties, and to deliver, pay, and account for all moneys entrusted to him by any officer, non-commissioned officer, musician, or private of this state, or any person or persons for them.

Duty of allot-  
ment commis-  
sioners;

SEC. 3. Each of said commissioners shall, under the direction of the governor, proceed to procure the allotments of the volunteers from this state, in such form and manner as has been or hereafter may be prescribed by the secretary of war, and shall make report in writing to the governor of this state, on the first day of each month, or within five days thereafter, in such form as shall be prescribed by the governor, and which report shall state the number of posts, regiments, battalions and batteries of Ohio volunteers visited, the number of allotments made, and the average amount of the same for the preceding month; and it is hereby made the duty of the governor of this state to provide that each company of volunteers or drafted men from this state, shall have an opportunity to make an allotment under the provisions of this act, before leaving this state.

And of the  
governor.

Commission-  
ers to act as  
pay agents,  
&c.

SEC. 4. Each of said commissioners shall, if required by the governor, act as pay agent, also to receive of any officer, non-commissioned officer, musician, or private of this state in the service of the United States, any money for his family, and the same to pay into the treasury of state, to be distributed, agreeably to the laws of this state, for that purpose, and shall perform such other duties as the governor may direct.

Compensation  
of commis-  
sioners.

SEC. 5. Each of said commissioners shall be paid the sum of three dollars for each day actually employed in the duties of said commissioner, or such other service as may be required of him by the governor, and also his actual expenses of travel and subsistence while so employed, upon his account therefor, to be verified by his affidavit, approved by the governor, and audited by the auditor of state, out of any moneys in the treasury not otherwise appropriated.

Inefficient  
commission-  
ers, how dealt  
with.

SEC. 6. The governor may at any time, if in his opinion any commissioner appointed as aforesaid, is inefficient, or that the further performance of the duties of said commission is not advantageous to the Ohio volunteers, their families, or the people of this state, notify such commissioner that no further compensation will be paid him by this state; and no compensation shall be paid such commissioner for any service

performed after the service of such notice, except his actual and reasonable time and expenses in returning to his home, if then absent therefrom, in the due discharge of his duties as such commissioner.

SEC. 7. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 2, 1863.

#### AN ACT

Supplementary to "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852. Sw. & Cr. 271.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the commissioners of any county, the proper authorities of any city or town, or the trustees of any township, shall sell stock of any railroad, turnpike, or plank road company, under the provisions of the act to which this act is supplementary, they shall apply the proceeds of said sale to the payment of the bonds issued to said railroad, turnpike, or plank road company, for said stock so sold as aforesaid, if said bonds can be obtained at par. Stocks of railroads, &c., how sold, and applied.

SEC. 2. If said bonds cannot be redeemed at par, said authorities so selling the stock as aforesaid, shall invest said money in the bonds and stocks of the United States, or of this state, or upon bond and mortgage upon unencumbered real estate, held in fee simple in said county; and said loan not to exceed one-half of the appraised value of the property so mortgaged, to be held as a fund for the payment of the bonds given for said stock, when the same shall mature, or can be paid and discharged at their par value; the principal and interest of all money so invested shall be held exclusively as a fund for the payment of the principal and interest of the bonds so given for the stock so sold, and shall be applicable to no other purpose until said indebtedness shall be fully paid. Investment when stocks cannot be redeemed at par. To be held as a fund for payment of principal and interest.

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 2, 1863.

#### AN ACT

To amend section twenty-two of "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852. Sw. & Cr. 281.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-two of the above entitled act be amended so



Copy of agreement, duly certified, to be evidence, &c.

as to read as follows: Sec. 22. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the secretary of state, the said two or more corporations mentioned or referred to in the preceding section, shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned; and a copy of such duplicate or counterpart of said agreement, so filed, duly certified by the secretary of state under the great seal of the state of Ohio, shall be prima facie evidence of such agreement having been duly made, and prima facie evidence of the existence of such new corporation; and the details of such agreement shall be carried into effect as provided therein.

Repeal and proviso.

Sec. 2. Said original section twenty-two is hereby repealed: *Provided*, That the provisions and remedies of this act shall be had and resorted to for the maintenance and prosecution of all rights accrued, acts done, and proceedings commenced and pending under the section so repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 2, 1863.

#### AN ACT

Sw. & Cr. 271. Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852.

Transfer of franchise of railroads, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the purchaser or purchasers of any railroad, situate wholly or partly within this state, which has been sold pursuant to judicial order, judgment or decree, or to such order, judgment or decree and express power, or the survivor or survivors or the assigns of such purchaser or purchasers, may acquire the franchise to be a corporation originally vested in the company which held the said railroad prior to such sale, by grant of said company under such terms and conditions as may be agreed upon by the directors of such company, with the consent of the stockholders owning two-thirds of the stock; which grant, being in the same form as is by law required to convey real estate, shall be effectual to pass the said franchise to the persons or company which shall have become the owners by purchase or assignment as aforesaid of such railroad: *Provided*, That no grant shall be made as aforesaid unless provision shall be made for granting to the stockholders in the original company stock in the reorganized company upon equal terms with the stockholders thereof, and as shall be acceptable to the directors making such grant.

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 4, 1863.

## AN ACT

To provide for the adjustment of the affairs of insolvent railroad companies, and for their reorganization without a sale of the property thereof.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That in case judicial proceedings are or may hereafter be pending in any of the courts sitting, or which may sit in this state, for the sale of any railroad, and the same is in the hands of a receiver or receivers appointed by such court, it shall be lawful for two-thirds in interest of each class of mortgagees or holders of the bonds issued under such mortgages, and two-thirds in interest of all other classes of creditors of such company, and two-thirds in shares of the stockholders thereof, to agree in writing upon a plan for the adjustment of such indebtedness by capitalization or otherwise.

How indebtedness of railroads may be adjusted, in case of judicial proceedings pending.

**Sec. 2.** That upon such agreement being made and filed in the office of the secretary of state, it shall be the duty of such secretary to cause public notice thereof to be given in a newspaper published in the city of Columbus, of general circulation, in Cincinnati and Cleveland, and also in a newspaper of general circulation published in each of the counties through which said road is located; such publication to be made immediately after the said agreement is filed, and to be continued for six consecutive weeks, the cost thereof to be paid by said company.

Public notice to be given of such adjustment.

**Sec. 3.** That a duplicate of said agreement shall be kept at the principal office of said company, and that all persons in interest, not parties thereto, shall be at liberty, for the period of four months from and after the date of said first publication, either in person or by proxy, to appear and become a party to such agreement by signing the same and thereby securing the benefits thereof.

Agreement to be kept in principal office of company, for four months, &c.

**Sec. 4.** That all persons in interest who have failed to become parties to said agreement within said four months, shall thereafter be entitled to the same rights, interest, and estate, remedy liens and action, and none other, which parties in interest of like class and amount who signed said agreement, obtained by, through, and under said agreement: *Provided, however,* That if any person in interest shall, for the period of six years after the publication of the notice mentioned in the first section of this act, neglect and fail to apply at the principal office of said company, either in person or by proxy, to become a party in interest in said agreement, such person, unless an infant, married woman, or insane, shall be barred of all interest, claim, right or action under said agreement or otherwise, and in case of such disability as aforesaid, the rights above enumerated shall be extended for the period of two years after such disability shall cease.

Rights of persons who are not parties to said agreement.

*Provided.*

**Sec. 5.** That upon such agreement being made, filed, and notice thereof given, as in this act provided, and proof thereof made or offered to be made in the court in which such proceedings are pending, it shall be the duty of the court to dismiss the same: *Provided,* The court may make such order or decree touching the costs and expenses thereof as to it may seem just and proper.

Court to dismiss proceedings, &c.

**Sec. 6.** That if such agreement involves the capitalization of the stock of such company, and any portion of such stock is held by counties, townships, cities, villages, or other municipal corporations, or otherwise held in a fiduciary capacity, the county commissioners, trustees, council, or other corporate body, representing the county, municipal corporation, or person holding in a fiduciary capacity, shall

Who may become parties, when capitalization of stock is involved.

What interests required to be parties to agreement.  
As to leasing railroad involved in judicial proceedings.

be, and they are hereby authorized to become parties to such agreement, and to reduce, or otherwise exchange such stock in accordance with the terms of such agreement.

Sec. 7. This act shall not be so construed as to require said agreement to be between the several interests hereinbefore specified, but may be between each interest separately, and the said railroad company.

Sec. 8. In case the railroad involved in such judicial proceedings, may be used, in whole or in part by said company in common with any other railroad company, on the same track between any points on the line common to both, and within the limits of termini established by the charters of both of such companies, it shall be lawful for said company owning the said railroad, if the same can be done without impairing the usefulness thereof to the company owning the same, to lease for a period of years, for an annual rentage, or to sell for a fixed sum, to the said railroad company to which the said line of road, in whole or in part, is common, an undivided interest in the same, upon such terms and conditions as may be agreed upon; such lease or sale to be reported to, and approved by said court, and when so made and approved, the lessee or vender thereof, shall hold the same free from any previous lien which had been put thereon.

Sec. 9. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 7, 1868.

#### AN ACT

Sw. & Cr.  
1449-1456.

To amend sections twenty-four, twenty-nine, thirty-one, thirty-nine, forty, forty-one, forty-two, forty-four and forty-five of the act, entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections twenty-four, twenty-nine, thirty-one, thirty-nine, forty, forty-one and forty-two, [forty-four and forty-five] of the above recited act be so amended as to read as follows:

Division of  
counties into  
districts.

Sec. 24. The county commissioners of each county in this state shall, at their June session, in the year one thousand eight hundred and sixty-eight, and every tenth year thereafter, divide their county into suitable and convenient districts, not less than the number of townships in their county; and any county within the limits of which there is a city, the commissioners shall divide said city into districts, comprising within each not less than one ward nor more than five, and no township or ward shall be divided in making such district, which district shall be composed of contiguous territory; and the commissioners shall give notice by publication in some newspaper in the county, and if no newspaper is published in the county, then by public notice set up in each township and ward, at the usual place of holding elections, setting forth the boundaries of districts in cities, and the qualified electors of such districts shall, at the October election, in the year eighteen hundred and sixty-eight, and every tenth year thereafter, elect some citizen of such district, having the qualifications of an elector, as assessor of real prop-

Election of  
district assessors.

erty within such district; the judges of election shall keep a separate poll-book for the election of said assessors, and the returns thereof, duly certified as in other cases, shall be made to the county auditor, who, with the clerk of the court of common pleas and probate judge of the county, shall open the same and declare the result; and the auditor shall, within ten days after opening such returns, give notice to each of the persons elected, of his election. And whenever the commissioners have failed to district their county at their June session, in accordance with the provisions of this act, it shall be their duty to district said county at any subsequent meeting of the board prior to the first Monday of April ensuing.

SEC. 2. That section twenty-nine be so amended as to read as follows:

Sec. 29. Each district assessor shall, on or before the first Monday of July, one thousand eight hundred and sixty-nine, and every tenth year thereafter, make out and deliver to the auditor of his county, a return, in tabular form, contained in a book to be furnished him by such auditor, of the amount, description, and value of the real property subject to be listed for taxation in his district, which return shall contain:

1st. The name of the several persons, companies, or corporations, in whose name the several tracts of real property, other than town property, in each township within his district, shall have been listed; and in appropriate columns, opposite each name, the description of each tract, designating the number of acres, the number of the section, and the part thereof, and of the township or survey, listed in such name, and the value of each separate tract, as determined by the assessor.

2d. The names of the several persons, companies, or corporations, in whose names the several lots of real property in each town in his district shall have been listed; and in the appropriate columns, opposite each name, the description of each lot, and the value thereof, as determined by the assessor; and such description shall designate the town, the number of lot, and the part thereof; and if part of a lot is listed, it shall state the number of feet along the principal street on which it abuts. If the name of the owner of any tract of land or lot shall be unknown, the word "unknown" shall be entered in the column of names opposite said tract or lot. If such land be situated in the Virginia military district, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof, contained in each tract so listed.

Assessor's return to county auditor.

SEC. 3. That section thirty-one be amended so as to read as follows:

Sec. 31. The county auditor of each county shall, as soon as practicable, after the first day of March, one thousand eight hundred and sixty-nine, and every tenth year thereafter, make out and deliver to the assessor of each district in his county, an abstract from the books in his office, containing a description of each tract and lot of real property situate within such district, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein, as the same shall appear on his books; and also a map of each township and town within such district, with such plat books as may be necessary to enable the district assessor to make a correct plat of each section, survey and tract in his district.

When county auditor to furnish lists and maps to district assessor.

SEC. 4. That section thirty-nine be so amended as to read as follows:

Sec. 39. The county auditor, the county surveyor, the county commissioners, or a majority of them, shall form a county board of the equalization of the real property of their county, with the exception of

County boards of equalization.

Time and  
place of meet-  
ing, and  
duties.

the real property in cities of the first and second class, which shall be equalized by a special board, as hereinafter provided. They shall meet on the first Tuesday after the first Monday of September, one thousand eight hundred and sixty-nine, and every tenth year thereafter, at the auditor's office, in the several counties, when the county auditor shall lay before them the returns of the real property made by the several district assessors of such county, with the additions he shall have made thereto, and having each taken an oath fairly and impartially to equalize the value of the real estate of such county, according to the provisions of this act, they shall immediately proceed to equalize such valuation, so that each tract or lot shall be entered on the tax list at its true value, and for this purpose they shall observe the following rules: 1st. They shall raise the valuation of such tracts and lots of real property, as, in their opinion, have been returned below their true value, to such price or sum as they may believe to be the true value thereof, agreeably to the rules prescribed by this act for the valuation thereof. 2d. They shall reduce the valuation of such tracts and lots as, in their opinion, have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to their relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot. 3d. They shall not reduce the aggregate value of the real property of the county below the aggregate value thereof, as returned by the assessors, with the addition made thereto by the auditor as hereinbefore required; the county auditor shall keep an accurate journal or record of the proceedings and orders of said board.

Special board  
in cities.

Sec. 5. That section forty be so amended as to read as follows:

Sec. 40. There shall be a special board for the equalization of the real property in cities of the first and second class, to be composed of the county auditor and six citizens in each of said cities, to be appointed by the city council; said board shall meet at the auditor's office in such city, on the fourth Monday of October, one thousand eight hundred and sixty-nine, and every tenth year thereafter, and shall have power to equalize the value of the real property within such city, and shall be governed by the same rules, provisions and limitations that are prescribed in the preceding section for the government of the county boards for the equalization of property.

Abstracts of  
real property  
by county  
auditors.

Sec. 6. That section forty-one be so amended as to read as follows:

Sec. 41. Each county auditor shall, on or before the second Monday of October, one thousand eight hundred and sixty-nine, and every tenth year thereafter, make out and transmit to the auditor of state an abstract of the real property of each township in his county, in which he shall set forth: 1st. The number of acres, exclusive of town lots, returned by the several assessors of his county, with such additions as shall have been made thereto. 2d. The aggregate value of such real property, other than town lots, as returned by the several assessors of his county, inclusive of such additions as shall have been made thereto under the provisions of this act. 3d. The aggregate value of the real property in each township in his county, as returned by the several assessors, with such additions as shall have been made thereto.

State board of  
equalization,  
their election.

Sec. 7. That section forty-two be amended so as to read as follows:

Sec. 42. The state board of equalization shall consist of one member from each senatorial district of the state, except the first district, which shall be entitled to three members, all of whom shall have the qualifications of electors; and the qualified electors of each senatorial district

shall, at the October election, in the year one thousand eight hundred and sixty-nine, and every tenth year thereafter, elect persons to serve as members of such board of equalization, in accordance with the provisions of this section; and the returns of the poll-books and certificate of election shall be governed by the law regulating the election of senators; and in case of vacancy in such office, either by death, resignation or otherwise, the governor of the state shall have the power to appoint a person, who shall be a resident elector of the district so vacated, to fill such vacancy, as soon as he shall be informed thereof; the auditor of state shall, by virtue of his office, be a member of this board. The said board shall meet at Columbus on the first Monday of November, one thousand eight hundred and sixty-nine, and every tenth year thereafter, and the members thereof shall each take an oath or affirmation that he will, to the best of his knowledge and ability so far as the duty devolves on him, equalize the valuation of real property among the several counties and towns in the state, according to the rules prescribed by this act for valuing and equalizing the value of real property; and having received from the auditor of state the abstracts of real property transmitted to him by the several county auditors, said board shall proceed to equalize the same among the several towns and counties in the state, in the manner hereinafter prescribed: 1st. They shall add to the aggregate value of the real property of every county, which they shall believe to be valued below its true value in money, such per centum, in each case, as will raise the same to its true value in money. 2d. They shall deduct from the aggregate valuation of the real property of every county, which they shall believe to be valued above its true value in money, such per centum, in each case, as will reduce the same to its true value in money. 3d. If they shall believe that right and justice require the valuation of the real property of any town or towns in any county, or of the real property of such county not in towns, to be raised or to be reduced, without raising or reducing the other real property of such county, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, or of property not in towns, such per centum as they shall believe will raise or reduce the same to its true value in money. 4th. They shall not reduce the aggregate value of all the real property of the state, as returned by the county auditors, more than ten millions. 5th. Said board shall keep a full account of their proceedings and orders.

Vacancies.

Time and place of meeting, oath, duties.

SEC. 8. That section forty-four of the aforesaid act be so amended as to read as follows:

Sec. 44. There shall be an annual county board for the equalization of the real and personal property, moneys and credits, in each county, exclusive of cities of the first and second class, to be composed of the county commissioners and county auditor, who shall meet for that purpose at the auditor's office in each county, on the first Wednesday after the third Monday of May, annually. Said board shall have the power to hear complaints and to equalize the valuation of all real and personal property, moneys and credits, within the county, and shall be governed by the rules prescribed in the thirty-ninth section of the act to which this is an amendment, for the government of county boards for the equalization of real property: *Provided*, That said board shall not reduce the value of the real property of the county below the aggregate value thereof as fixed by the state board of equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures over the value of

Annual county board, their powers and duties.

those destroyed, as returned by the several township assessors for the current year.

Sec. 9. That section forty-five of the aforesaid act be so amended as to read as follows :

Annual  
special board  
in cities.

Sec. 45. There shall be a special board for the equalization of the real and personal property, moneys and credits, in cities of the first and second class, to be composed of the county auditor and six citizens of each of said cities, to be appointed by the city council of such city. Said board shall meet annually, at the auditor's office in said cities, on the fourth Monday of May, and shall have power to equalize the value of the real and personal property, moneys and credits, within said cities, and shall be governed by the same rules, provisions and limitations that are prescribed for the government of county boards for the equalization of real and personal property, moneys and credits : *Provided*, That said board shall not be authorized to extend its session beyond the fourth Monday in June in each year.

Sec. 10. That sections twenty-four, twenty-nine, thirty-one, thirty-nine, forty, forty-one, forty-two, forty-four and forty-five of the above recited act, be and the same are hereby repealed.

Sec. 11. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 7, 1863.

#### AN ACT

To authorize manufacturing companies to reduce their capital stock.

Capital stock  
may be reduced.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the stockholders of any manufacturing company, heretofore or hereafter incorporated, may reduce their capital stock, in the manner hereinafter provided, to such amount as they may deem expedient : *Provided*, That such reduction shall leave a capital stock actually paid in equal to double the amount of the current debts of such company.

Meeting to be  
held, and two-  
thirds of stock  
represented.

Sec. 2. The said reduction of capital stock shall not be made until a meeting of the stockholders of the company has been called, by the directors or trustees, at such time and place as they shall designate, and the holders of at least two-thirds of the stock of such company represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

Apportion-  
ment of reduc-  
tion.

Sec. 3. The amount of such reduction shall be equitably and equally apportioned to the stockholders, according to the amount of stock held by each.

Each stock-  
holder person-  
ally liable.

Sec. 4. Each stockholder to whom is refunded any portion of such capital stock, shall be personally liable for the current debts of the company, owing at the time of said reduction, in like manner and to like amount as if said capital stock had not been reduced.

Certificate of  
reduction to  
be filed, &c.

Sec. 5. The company so reducing its capital stock, shall file in the proper office in which its original certificate of organization as a corporation was filed or recorded, a certificate signed and acknowledged by

the president, superintendent, or other executive officer of the company, setting forth the amount of the reduction, the amount of capital stock remaining, and the names and residences of the stockholders at the time of such reduction, and the amount of stock held by each, at the time of and for one year before said reduction, and which said certificate shall be filed or recorded with the original certificate of organization.

Sec. 6. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 7, 1868.

#### AN ACT

To provide for bounty paid to Ohio volunteers who enlisted and were mustered into the service of the United States, under the calls of the president, issued on the second day of July, and on the fourth day of August, A. D. 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the boards of county commissioners in the several counties of this state, wherein was adopted the system of paying a bounty, in addition to the government bounty, to volunteers from such counties, under the calls of the president, issued on the second day of July and the fourth day of August, 1862, the money for bounty having been raised or pledged upon the understanding that if the general assembly should authorize the levying of a tax for the purpose, the same should be reimbursed, whether so raised and pledged by the commissioners of such counties acting in concert with the county military committees, or by those commissioners or committees acting independently and directly, or through sub-military committees, be, and they are hereby authorized and required to levy, by tax upon the grand list of taxable property of such counties, for the year 1863, an amount sufficient to pay to each volunteer from such county under said calls, to whom payment was pledged or made, such bounty, or refund the money previously paid therefor, whether such money was received upon the understanding aforesaid from individuals, realized on the sale of county bonds, or temporarily transferred from other county funds, or collected in whole or in part by any unauthorized tax in any county, as the case may be. The repayment of money shall be made in such manner, upon such terms of interest not exceeding six per cent. per annum, and with any other conditions as shall have been agreed upon by the said commissioners or county military committees, acting as aforesaid at the time of raising money for such purpose: *Provided,* That no larger amount than fifty dollars to each volunteer from any county shall be allowed, nor shall an amount be paid in any county to such volunteer larger than the amount paid or pledged to be paid at the time of enlistment, the same being equal in amount to each of the volunteers from such county to whom payment was made or pledged, except in cases where, at the time of such enlistments, distinction was made between those who had families and those who had not: *And provided, further,* That no bounties paid or pledged to substitutes for drafted men shall be reimbursed or paid,

Tax to pay  
bounty, or re-  
fund for boun-  
ties paid.

Rules as to  
repayment.

Rules as to  
deserters, &c.



nor be hereafter paid to any volunteer who has deserted, and has not voluntarily returned to service, nor to any volunteer who has been dishonorably discharged from the service, nor to any minor who has been discharged from the service on a plea of his minority, nor shall any moneys be repaid which were intended as donations merely at the time of being given.

Redemption of  
bonds, cancel-  
ling of indebt-  
edness, &c.

Sec. 2. That bonds issued by county commissioners upon which money has been raised for the purpose of paying bounties, shall be deemed, and evidence of indebtedness made by them shall be canceled, out of the fund provided for in the foregoing section, upon the certificate of the commissioners to the county auditor, who shall draw his warrant on the county treasury for the amount; and the treasurer of any county in this state, wherein a tax is levied for the purpose specified in the foregoing section, is authorized to receive in payment of taxes, certificates issued by the board of commissioners to individuals for money advanced, as referred to in that section: *Provided*, That if, in any county or counties, the board of commissioners shall determine to levy but a portion of the tax within the same year, and continue the loan for a longer period, bonds and certificates of indebtedness issued shall be paid upon proportionably to the amount raised, except in cases of agreement with the holders of such bonds or other evidences of indebtedness.

When a por-  
tion of the tax,  
only, may be  
levied, &c.

Sec. 3. That the board of commissioners of any county or counties in which bonds were issued, or other evidences of indebtedness made, with an agreement as to extended time, or in which an agreement shall hereafter be made with the holders of the same for such extension, are hereby authorized, if, in their judgment, such course shall be advisable, to levy only so much of the tax authorized by this act as shall be necessary, within any one year, to meet the terms of such agreement, continuing to levy such necessary amount in accordance with such agreement, during each year, until the whole shall be paid: *Provided*, That no such extension of time shall be taken at a higher rate of interest than six per cent. per annum: *And provided, further*, That where money was obtained for the purpose specified in this act, no interest shall be paid except when contracted for at the time of raising the money.

Extent of  
authority to  
levy tax.

Sec. 4. The authority and requirement to levy a tax as given in the first section of this act, shall be held to authorize the levying of a sufficient amount to pay all the volunteers from the various counties referred to, to whom payment was promised, of an amount equal to the uniform bounty paid or pledged to be paid, to the volunteers from such counties, whether they have been paid previous to the passage of this act or not. For the purpose of paying such bounty to such volunteers as have not previously been paid, the board of commissioners of such counties are hereby authorized to borrow, on the credit of the county, at a rate of interest not exceeding six per cent. per annum, an amount sufficient to pay such volunteers, or temporarily transfer other county funds, except school funds, and repay the same out of the fund raised under the provisions of this act for that purpose. And the commissioners are hereby authorized to pay such amount of bounty to such volunteers, on the certificate of a proper officer, that they are regularly enlisted and mustered into the service of the United States, said certificate stating the time of enlistment, and whether such enlistment was under the calls referred to.

Commission-  
ers may bor-  
row money,  
or transfer  
funds, &c.

Levy to be  
placed upon  
tax duplicate.

Sec. 5. All taxes levied under the provisions of this act shall be placed upon the tax duplicate, as other taxes, against the same division of taxable property, and be styled "volunteer bounty fund," and collected as

other taxes. And the money so raised shall be applied, first, to the payment of the amount due to any volunteer as limited and restricted in section one of this act; secondly, to the payment of any such bonds, subscriptions and certificates, and the repayment of any unauthorized tax, as mentioned in section one of this act; thirdly, to the refunding of any moneys temporarily transferred from other funds belonging to any county, under such regulations as to proof and verification of claims as the commissioners may direct. So much of any treasurer's receipts as may have been given for the payment of any unauthorized tax heretofore levied for the payment of bounty to volunteers, shall be received in payment of its equivalent amount of tax under this act, as against its appropriate levy.

Order of  
payments.

As to un-  
authorized  
tax.

Sec. 6. That to determine the number of volunteers to be paid, and the amount necessary to be raised in the counties referred to in this act, the boards of commissioners of such counties will be governed by the corrected lists of those having enlisted, from the issuing of the first call referred to in the first section of this act, up to the time of making the draft, as those lists were made for the guidance of draft commissioners: *Provided*, That no larger amount shall be raised in any county than will be sufficient to pay off bonds and certificates, or other evidences of indebtedness which may have been issued, and money which has been advanced upon the understanding referred to in section one, and the amounts promised as bounty and remaining unpaid; and also to refund any money transferred from other funds. The said commissioners shall make and preserve a full public record of all their proceedings under this act.

How number  
of volunteers  
entitled to  
pay, to be  
determined.

Limit of levy.

Sec. 7. That the bounty which, under the provisions of this act, would belong to any volunteer who has died or been killed in the service of the United States, and which has not been paid, shall be paid to the widow or children, or father or mother, or brothers and sisters, or legal representatives of such volunteer, to take precedence in the order named, such payment to be made upon proof satisfactory to the commissioners of such death and relationship, such bounty to be exempt from attachment or other legal process.

Bounty of de-  
ceased soldier  
to be paid  
to widow,  
children, or  
other repre-  
sentative.

Sec. 8. In any county in this state in which there may be any surplus funds not otherwise appropriated, it shall be lawful for the commissioners to appropriate any such surplus funds to the uses and purposes contemplated by this act.

Surplus funds  
may be appro-  
priated to pur-  
poses of this  
act.

Sec. 9. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 7, 1868.

#### AN ACT

Supplementary to the "act to authorize the making of roads and drains in certain cases." Sw. & Cr. 526.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any person or persons may be desirous of establishing a railway, as authorized by the "act to authorize the making of roads and drains in certain cases," passed February 8, 1847, such per- Procedure for  
establishing  
railways in  
certain cases.

Proviso as to  
appropriating  
adjacent  
lands.

son or persons may apply by petition to the probate judge of the proper county, in the same manner as is required of corporations in the "act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and in the acts amendatory and supplementary thereto. And upon the making of such application, the same proceedings shall be had, and the same orders and judgment rendered by such probate judge, as in cases under said last named act; and in all respects the duties and obligations imposed upon corporations, and the rights conferred upon them by said act and in such proceedings, shall be imposed and conferred upon such applicants: *Provided, however*, that no adjacent lands or public highway shall be appropriated for any of the purposes described in said act, passed February 8, 1847, until the jury selected under this act shall have first determined, by examination and inspection, that the said railway is necessary to the ordinary working, occupation and beneficial use of the grounds, swamps, ponds, lowlands, mines or mineral beds described in such applicant's petition: *And provided further*, that, by the proceedings authorized by this act, there shall not be granted to or conferred upon such person or persons any greater right, interest or property in the lands, tenements or goods of any other person, than is authorized to be granted and conferred by the act to which this is supplementary.

Sec. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 7, 1863.

#### AN ACT

Sw.&Cr. 1606. Declaratory of the true intent and meaning of the act entitled "an act to establish the independent treasury of the state of Ohio," passed April 12, 1858.

Construction  
as to collection  
of funds, &c.,  
of illegal  
loans, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act of the general assembly of the state of Ohio, passed April 12th, 1858, entitled "an act to establish the independent treasury of the state of Ohio," shall not be so construed as to prevent the proper authorities of the state, or of any county or township, or of any organized city of the state, from so far adopting any illegal loan or deposit of public money, funds, property, bonds, securities or assets, belonging to the state, or to any county, township or city, heretofore made, as aforesaid, as to authorize the collection, by suit or otherwise, of such money, funds, property, bonds or securities thus loaned or deposited, as against the party receiving the same, and as against any and all other parties.

Sec. 2. This act to take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate*

April 7, 1863.

## AN ACT

To provide for taking the enumeration of the male inhabitants of the state above the age of twenty-one years.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the several assessors in the state be, and they are hereby authorized and required, at the time of making the assessment of personal property for the year eighteen hundred and sixty-three, and every fourth year thereafter, to take an enumeration of all the male inhabitants above the age of twenty-one years, residing in their respective townships, wards, or assessment districts, on the day preceding the second Monday of April, in the year to which such enumeration relates, including in such enumeration all such inhabitants who may, on the same day, be in the military or naval service of the United States, or of this state, and designating such of them as may be of African descent by the word "colored." And the said assessors shall make out lists of the persons so enumerated in alphabetical order, and return the same to the clerk of the court of common pleas of their respective counties, at the time of making the returns of their assessments of personal property to the county auditors.

Assessors to take enumeration of male inhabitants above twenty-one.

Lists to be sent to clerks.

**SEC. 2.** It shall be the duty of the clerks of the several courts of common pleas, to make out, certify, and transmit to the auditor of state, by the first day of September in each year in which the enumeration is taken, an abstract of the said enumeration in their respective counties, showing the number in each who are returned as "colored;" and said clerks shall certify in like manner to their respective county auditors, an abstract of such enumeration. The auditor of state shall include the said enumeration by counties in his annual report for the year in which the same is taken.

Duties of clerks of courts;

—auditor of state.

**SEC. 3.** If any assessor, clerk or officer, upon whom any duty is enjoined by this act, shall refuse or neglect to perform the same, he shall be liable to a penalty of not less than five dollars nor more than fifty dollars, to be recovered in a civil action in the name of the State of Ohio, in any court of competent jurisdiction, and shall, moreover, be liable to any party injured for any damages occasioned by reason of such refusal or neglect.

Penalty for neglect of duty.

**SEC. 4.** The act "regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty-one years," passed January 10, 1827; the act to amend the same, passed January 22, 1844; the "act in relation to the enumeration of white male inhabitants above the age of twenty-one years," passed February 19, 1851; and the fourth section of the "act to provide for the election of township assessors, and to prescribe their duties," passed April 4, 1859, and all other acts and parts of acts, inconsistent with any of the provisions of this act, are hereby repealed.

Acts repealed.

**SEC. 5.** This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 7, 1863.

## AN ACT

Supplementary to an act entitled an act providing for the punishment of crimes, and of the several acts amendatory and supplementary thereto.

When certain minor crimes may be punished by imprisonment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases wherein courts of common pleas, probate or police courts, or justices of the peace, and mayors of cities and incorporated villages, have now, or may hereafter have, the power to punish offenses either in whole or in part, by requiring the offender to pay a fine or costs, or both, the said courts may make it a part of the sentence, that the party be imprisoned in the jail of the proper county until the same be paid, or secured to be paid, or the defendant is otherwise discharged according to law.

When execution may issue against the body of the offender.

SEC. 2. In all cases in which courts of common pleas, probate or police courts, or justices of the peace, or mayors of cities or incorporated villages, shall have power to fine any offender, and shall render judgment for such fine, it shall be lawful to issue executions for the same, with the costs taxed against said offender, to be levied on the goods and chattels of any such offender, and for want of the same, upon the body of said offender, who shall thereupon be committed to the jail of the proper county until said fine and costs be paid, or secured to be paid, or the offender be otherwise discharged according to law: *Provided*, This act shall not extend to causes punished by imprisonment in the penitentiary.

Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 7, 1868.

## AN ACT

Sw. & Or,  
1218.

To amend the 8th section of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853, as amended May 4 [1], 1854.

Administration, &c., when probate judge is interested.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That letters testamentary, or of administration, or of guardianship, shall not be issued to any person after his election to the office of probate judge, and before the expiration of his term of office; and if any probate judge shall be interested as heir, legatee, devisee, or in any other manner, in any estate which would otherwise be settled in the county where he resides, all such estates, and all accounts of guardians in which said probate judge may be interested, shall be settled by the court of common pleas of such county; and in all such matters and cases in which said probate judge is interested, the original papers connected with said estate, shall be by him forthwith certified to the court of common pleas as aforesaid. And in all other matters and proceedings pending in any probate court, which would properly be decided

Transferred to common pleas court.

therein, but in which the probate judge thereof may be interested in any manner whatever, as attorney or otherwise, such probate judge shall, upon the motion of any party interested in such proceedings, or upon his own motion, certify said matters and proceedings to the court of common pleas of the same county in which he resides, and he shall forthwith file with the clerk of the court of common pleas of the same county, all original papers connected with said matters of proceedings, and the same shall be proceeded in, and heard and determined by the court of common pleas, in the same manner as though said court had had original jurisdiction of the subject-matter thereof. And upon the final decision of the question involved in such proceedings by the court of common pleas, the clerk shall deliver all of said original papers back to the probate court from which said papers came; and the clerk shall also make out an authenticated transcript of the orders, judgments and proceedings of said court therein, and shall file the same in the probate court from which said papers came, and the judge thereof shall record the same in the ordinary records of similar business.

Duty of probate judge.

—of court of common pleas.

—and of clerk.

SEC. 2. That said section eight be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 9, 1863.

#### AN ACT

To amend section 43 of an act entitled "an act to provide for the settlement of estates of deceased persons," passed March 22d, 1840, as amended March 12, 1861. Sw. & Cr. 574. 58 O. L. 45.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-three of the above recited act be amended so as to read as follows:

Sec. 43. That when any person shall die, leaving a widow, or minor child under the age of fifteen years, the following property shall not be deemed assets, or administered as such, but shall be included and stated in the inventory of the estate, and signed by the appraisers without appraising the same: First. One family sewing machine to be retained by said widow absolutely as her own property, and all spinning wheels, weaving looms, and stoves set up and kept in use by the family. Secondly. The family bible, family pictures, and school-books used by or in the family of the deceased, and books not exceeding one hundred dollars in value, which were kept and used as part of the family library before the decease of such person. Thirdly. One cow, or if there be no cow, household goods, to be selected by the widow, or if there be no widow, by the guardian or next friend of such minor child, not exceeding twenty-five dollars in value; all sheep to the number of twelve and the wool shorn from them, and the yarn and cloth manufactured by the family; and all the flax in possession of the

What property shall not be deemed assets.

family, and yarn or thread and cloth manufactured therefrom. Fourthly. All the wearing apparel and ornaments of the family and of the deceased: *Provided*, the said ornaments do not exceed one hundred dollars in value; if such ornaments exceed one hundred dollars in value, then such portion thereof, not exceeding said sum in value, as the widow, or if there be no widow, the guardian or next friend of such minor child or children may select; all the beds, bedsteads and bedding and cooking utensils, being necessary for the use of the family, and any other articles of personal property, not exceeding one hundred dollars in value, which the widow, or if there be no widow, the guardian or next friend of such minor child or minor children, may select, to be valued by the appraisers.

Sco. 2. That the section to which this act is an amendment be and the same is hereby repealed.

Sco. 3. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### AN ACT

Making partial appropriations for the current expenses of the northern lunatic asylum for the year 1863.

Current ex-  
penses, N. L.  
Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and the same are hereby appropriated, out of any money in the state treasury for general revenue purposes for the year 1863, for the following purposes, to wit: For provisions and necessary current expenses in the northern lunatic asylum, the sum of five thousand dollars.

Sco. 2. No money herein appropriated shall be expended for any other purpose than the specific purposes named in this act.

Sco. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### AN ACT

w. & Cr. 1493. Supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

What cities  
may purchase  
steam fire en-  
gines.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city of the second class, which had at the last federal census more than eighteen thousand inhabitants, whenever in the judgment of the city council it shall become necessary to purchase steam fire

engines, it shall be lawful for the city council to make such purchase; and for the purpose of paying therefor, such city council is hereby authorized to contract loans and issue their bonds therefor, in any sum not exceeding twenty thousand dollars, and payable at such time, not exceeding fifteen years, and with such rate of interest, not exceeding six per cent. per annum, as may be provided by ordinance. The bonds hereby authorized to be issued shall not be sold for less than their par value.

Council may  
contract loans,  
&c.

Sec. 2. The council of any such city shall have power, in the manner provided by law for the assessment and collection of general taxes, to assess and collect such taxes from year to year as may be necessary to provide funds for the payment of the annual interest on the bonds authorized by this act; and in like manner to assess and collect such taxes, not exceeding in any one year four-tenths of one mill on the dollar on the taxable property of said city, as may be necessary to provide for the payment of said bonds when the same fall due.

—and assess  
and collect  
taxes therefor.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### AN ACT

Making appropriations, in part, of the general revenue for the year 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money belonging to the general revenue, and to be used for the service of the fiscal year 1864:

For the payment of guards at the Ohio penitentiary, ten thousand dollars.	Payment of guards O. P.
For the general current expenses of the Ohio penitentiary, thirteen thousand dollars.	Expenses O. P.
For the prosecution and transportation of convicts, ten thousand dollars.	Transportat'n of convicts.
For provisions and necessary current expenses and repairs of the Central Ohio Lunatic Asylum, ten thousand dollars.	Expenses C. O. L. Asylum.
For provisions and necessary current expenses and repairs of the Southern Ohio Lunatic Asylum, six thousand dollars.	Expenses S. O. L. Asylum.
For provisions and necessary current expenses and repairs of the Northern Ohio Lunatic Asylum, six thousand dollars.	Expenses N. O. L. Asylum.
For provisions and necessary current expenses and repairs of the institution for the education of the deaf and dumb, three thousand dollars.	Expenses Inst. for Deaf and Dumb.
For provisions and necessary current expenses and repairs of the institution for the education of the blind, three thousand dollars.	Expenses Inst. for the Blind.
For provisions and necessary current expenses and repairs, rent and wages of the state asylum for idiots, fifteen hundred dollars.	Expenses Asy- lum for Idiots.



Expenses Re-  
form School.

For provisions, furniture, clothing, lodging, school books for educating and training boys, and other necessary expenses, at the reform school, two thousand eight hundred dollars.

#### SALARIES.

Salaries offi-  
cers of O. P.

For the payment of the salaries of the warden, deputy warden, clerk, physician, chaplain, assistant teacher and matron of the Ohio penitentiary, fifteen hundred dollars.

Salaries offi-  
cers C. O. L.  
Asylum.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Central Ohio Lunatic Asylum, nine hundred and fifty dollars.

Salaries offi-  
cers S. O. L.  
Asylum.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Southern Ohio Lunatic Asylum, nine hundred and fifty dollars.

Salaries offi-  
cers N. O. L.  
Asylum.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Northern Ohio Lunatic Asylum, nine hundred and fifty dollars.

Salaries offi-  
cers Institution  
for Deaf  
and Dumb.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the deaf and dumb, two thousand dollars.

Salaries offi-  
cers Institution  
for Blind.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the blind, twelve hundred dollars.

Salaries offi-  
cers Asylum  
for Idiots.

For the payment of the salaries of the superintendent, other officers and teachers of the state asylum for idiots, six hundred dollars.

Salaries offi-  
cers Reform  
School.

For the payment of the salaries of the officers of the state reform school, fifteen hundred dollars.

SEC. 2. This act shall take effect from and after November 15, 1863.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 9, 1863.

#### AN ACT

For the protection of sureties and endorsers.

When action  
may not issue  
against surety  
or endorser.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no execution shall be issued against any surety or endorser, to enforce the collection of any judgment rendered after the taking effect of this act, by a justice of the peace, in which bail for the stay of execution has been entered, without the written assent of such surety or endorser, unless such stay-bail, who shall be primarily liable, and first proceeded against, shall have been exhausted; in which case such surety or endorser shall be liable for any unsatisfied balance of such judgment, and execution may issue therefor.

Surety or en-  
dorser may de-  
mand increase  
of stay-bail.  
Duty of jus-  
tice.

SEC. 2. That such surety or endorser, whenever he shall be of the opinion that such stay-bail is insufficient, may apply to said justice of the peace having the custody of the docket on which such judgment is entered, for further security upon said judgment; and thereupon the said justice shall issue a notice to the principal to appear at such time

as said justice may appoint, not exceeding five days from the issue of said notice, to show cause why further or additional bail should not be given upon said judgment, which notice shall be served and returned by a constable in the same manner in which a summons is required to be served and returned; and if said principal shall neglect to attend at the time mentioned in said notice, or shall fail to satisfy said justice of the sufficiency of such stay-bail, or shall refuse to comply with such order as said justice of the peace shall make in that behalf, the said justice shall issue execution and proceed to the collection of said judgment as if the stay therein had expired. And if said surety or endorser shall file with said justice of the peace an affidavit setting forth that the principal debtor or bail for stay are disposing of their property in such manner as to endanger the collection of said judgment from them, or either of them, it shall be the duty of said justice of the peace to forthwith issue an execution upon said judgment, and proceed to the collection thereof as if the stay on said judgment had expired. But if said principal debtor or said stay-bail shall, within ten days from the issuing of such execution, enter new or additional bail for stay of execution for the residue of time for which said judgment might be stayed by the laws of this state, to the satisfaction of said justice of the peace, then the said justice of the peace shall recall such execution until the time said original stay shall expire; and in the collection of said judgment, the said additional bail shall be exhausted before said surety or endorser shall be liable; and the said justice of the peace shall proceed against said stay-bail in one action, as jointly and severally liable upon said judgment, in case the same cannot be made out of the property of the principal in the manner now provided by law: *Provided*, that if said justice of the peace shall find that such original stay-bail is sufficient, and that said surety or endorser had not good reason for instituting the proceedings hereby authorized, he shall tax the cost of the proceedings to such surety or endorser instituting the same.

Procedure when principal neglects or refuses to appear, &c.

Privilege of principal.

When surety or endorser to pay costs.

SEC. 3. This act shall take effect and be in force from and after the first day of July, 1863.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### AN ACT

To authorize railroad companies to increase their capital stock, and issue of bonds in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any railroad company heretofore, or which may hereafter be incorporated under general or special laws of this state, desirous of constructing a second track in whole or in part, or of increasing its machinery, rolling stock, depots, shops, or other improvements or fixtures, or of settling, liquidating, or paying off any unfunded or floating debt or debts, or other liabilities incurred in the construction or equipment of its railroad, or for the purpose of extending the same, pursuant to its charter, or for the construction of authorized branch roads, or for either or all the purposes aforesaid, shall have power to mortgage, or in any

How capital stock may be increased, for purpose of increasing tracks, rolling stock, &c.

other way create a lien upon its railroad property, fixtures and income, upon all or any part of its road or branches, or each part or branch separately or combined; and under such mortgage or mortgages, or lien, any railroad company may issue its bonds, convertible or otherwise, for such sum or sums, or amount, as the directors may deem advisable or necessary for the purposes aforesaid, if authorized by the vote of the majority of the existing capital stock, represented in a meeting of the stockholders called for that purpose by the directors of such company, and on due notice given in the manner provided by its by-laws for holding meetings of its stockholders, or by the written consent of stockholders representing a majority of the existing capital stock of such company; and said bonds may bear any rate of interest not exceeding seven per centum per annum, payable semi-annually; and said bonds may be sold in or out of the state, and at such rate or rates of discount as the directors may deem proper, which sale or sales shall be as valid in every respect as if the same were sold at their par value.

Amount of  
increase.

SEC. 2. Any railroad company may increase its capital stock to such amount as will permit the conversion of any or all of the aforesaid bonds into the capital stock of said company.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 9, 1863.

#### AN ACT

To prevent illegal arrests in this state.

Penalty for  
kidnapping,  
illegal arrests,  
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons who shall kidnap, or forcibly or fraudulently carry off, or decoy out of this state, any white person or persons, or shall arrest and imprison any white person or persons, with an intention of having such person or persons carried out of the state, unless it be in pursuance of the laws thereof, or of the United States, or a military order of the constituted authorities thereof, or of the constitution, laws, treaties, or articles of war of the United States, or of maritime usage under the law of nations, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be confined in the penitentiary, at hard labor, for any space of time not less than three, nor more than eight years, at the discretion of the court, and shall, moreover, be liable for the costs of prosecution.

SEC. 2. That the act entitled "an act to prevent the forcible abduction of the citizens of Ohio," passed June 19th, 1835, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 9, 1863.

## AN ACT

To amend sections two and nine of an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853. (Sv. & Cr. 1306.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, be amended so as to read as follows:

Sec. 2. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, between the first day of April and the first day of October, annually, to do and perform the work aforesaid, on the public roads within his district; and if any such resident, being personally warned by the supervisor, or by leaving a written notice at his usual place of abode, or by some person under the direction of the supervisor, by whom such warning can be proven, shall neglect or refuse, having had at least three days notice, to attend, by himself or substitute, to the acceptance of the supervisor, on the day and at the time and place directed by the supervisor, or having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inattention to the duties assigned him by the supervisor, every such person shall forfeit and pay for each day he shall neglect to attend, or for any disobedience, neglect, or inattention, as aforesaid, the sum of one dollar for each offense, disobedience, refusal or inattention, to be recovered by an action before any justice of the peace of the proper township, upon complaint of the supervisor, in the name of the state of Ohio; and the money, when collected, shall be applied by the supervisor in the improvement of the roads in the proper district, and accounted for by such supervisor at his annual settlement with the trustees of the proper township: *Provided*, That no person shall be released from the performance of labor on the public highways by reason of the neglect of any supervisor to order out such person on or before the first day of October, in any year: *And provided, further*, That if any person, being warned as aforesaid, shall, within three days from the time of such notice, pay to the supervisor of his district the sum of one dollar and fifty cents, the supervisor shall be authorized to accept the same in lieu of the two days work, and he shall apply the same to the improvement of the roads in his district, and account therefor to the trustees in his annual settlement.

General powers and duties of supervisors. Work on roads.

Commutation.

Sec. 2. That section nine of said act be amended so as to read as follows:

Sec. 9. The several supervisors, within their respective districts, shall collect by suit, as provided in the second section of this act, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof be otherwise provided for in this act; and they are hereby authorized and required, before their annual settlement with the trustees of their township, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom, in the opinion of such supervisor, such fine, forfeiture or penalty can be collected; and said judgment, if not paid, shall remain, with the costs thereon, and be in force against the defendant, as other judgments for fines in favor of this state: *Provided, however*, that all persons who are or may be exempt from performing labor on

Supervisor to collect fines and penalties.

the public highway by any law of this state, shall not be subject to the provisions of this section.

SEC. 3. Sections two and nine aforesaid are hereby repealed. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 10, 1868.

#### AN ACT

Sw. & Cr. 643. Supplementary to "an act to regulate the taxation and collection of costs," passed March 9, 1836.

Clerks not required to issue process without stamps furnished.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no clerk or court authorized by the laws of this state to issue process upon which stamp duties are imposed by the laws of the United States, shall be required to issue the same until there shall be deposited with such clerk or court, by the party in whose behalf such process is to be issued, the stamp or stamps required upon such process as aforesaid, or the amount thereof in money.

Cost of stamps to be taxed in costs of suit.

SEC. 2. That it shall be the duty of the clerk or court issuing process as aforesaid, to which a stamp is attached, as required by the laws of the United States, to tax the amount of such stamp or stamps in the cost of the suit or proceeding in which such process shall have been issued, as other costs are taxed. In judicial sales, the officer making the same shall purchase and place upon the deed by him made, the stamp required, and the cost of the same shall be taxed as other costs in the case.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 10, 1868.

#### AN ACT

To authorize commissioners of counties and trustees of townships to levy a tax for the purpose of paying moneys advanced by such officers for the relief of the families of volunteers in the service of the United States.

Recitation.

WHEREAS, The commissioners of certain counties and the trustees of certain townships have, on their individual responsibility or otherwise, based upon the action of this legislature, borrowed moneys and paid out the same for the relief of the families of volunteers in the service of the United States; therefore,

Tax to be levied for payment of borrowed money, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of any county in this state in which the commissioners have borrowed moneys and paid out the same for the relief of the families of volunteers in the service of the United States, are hereby authorized, for the payment of such moneys so bor-

rowed by such commissioners, and the interest thereon, to levy by tax upon the grand list of taxable property of such county for the year 1863, an amount sufficient therefor, or such levy may be made in equal amounts at the discretion of the commissioners during the years 1863, 1864 and 1865.

Sec. 2. That the trustees of any township in this state, in which the trustees thereof have borrowed money and paid out the same for the relief of the families of volunteers in the service of the United States, are hereby authorized, for the payment of such moneys so borrowed by such trustees, and the interest thereon, to levy upon all the taxable property of such township an amount sufficient therefor, which shall be determined and certified by the said trustees, or a majority of them, and the certificate thereof delivered to the auditor of such county on or before the first Monday of June, 1863.

Same as to townships.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 10, 1863.

#### AN ACT

To authorize insurance companies to increase the number of directors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of "an act authorizing insurance companies to increase the number of directors," passed March 8th, 1854, be so amended as to read as follows: Sec. 1. That from and after the passage of this act it shall be lawful for any insurance company that is now or may be hereafter incorporated within this state, at the will of the stockholders representing a majority of the stock, to increase the number of the directors (all of whom shall be stockholders) to any number not exceeding twenty-one.

Insurance companies may increase number of directors.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 10, 1863.

#### AN ACT

To repeal the act entitled "an act authorizing courts to order abstracts of legal advertisements to be published," passed March 10th, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to order abstracts of legal advertisements to be published," passed May 10, 1859, be and the same is hereby repealed.

Act repealed.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 11, 1863.

## AN ACT

Sw. & Cr. 848. To amend sections forty-seven and forty-eight of the act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and care of idiots and insane," passed April 7th, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-seven of the above entitled act be so amended as to read as follows :

Sale of real estate by guardian.

Section 47. Whenever the sale of the real estate of such ward is necessary for his support, or the support of his family, or the payment of his debts, or such sale will be for the interest of such idiot, lunatic, or his children, the guardian may sell the same under like proceedings as are or may be required by law to authorize the sale of real estate by the guardian of a minor, or if it be more for the interest of such idiot, or lunatic, or his children, the probate court, upon the petition of the guardian, may authorize him to sell said real estate at private sale, either in whole or in parcels, and upon such terms of payment as shall be prescribed by the court. Said petition shall contain a pertinent description of the real estate proposed to be sold, a statement of its value as nearly as can be ascertained, and the facts on which the application is founded, and if upon hearing, the court shall be satisfied that it will be more for the interest of the idiot or lunatic, that said real estate should be sold at private than at public sale, the court may make an order authorizing said sale, and prescribing the terms thereof, first taking from said guardian a sufficient bond for the faithful performance of his duty in the premises, and for accounting for the proceeds of all sales made under said order: *Provided, however,* That before any order authorizing such private sale be made, the court shall cause an appraisal of such real estate to be made by three disinterested freeholders of the county, and said guardian shall be prohibited in said order from selling said land at less than the appraised value thereof.

Contents of petition to sell.

SEC. 2. That section forty-eight of said act be so amended as to read as follows :

Completion of real contracts.

Section 48. The guardian of an idiot, or lunatic, whether appointed by a court in this state or elsewhere, may complete the real contracts of his ward, or any authorized contract of a guardian who has died or been removed, in like manner and by like proceedings as the real contract of a decedent may, under an order of court, be specifically performed by his executor or administrator. Or, the probate court may, in its discretion, authorize the guardian of a lunatic to complete any contracts for the sale of real estate made before his or her lunacy, in the same manner as executors may do, who are authorized by will to complete contracts for the sale of real estate made by their testator, said guardian first giving bond to the satisfaction of the court, for the protection, appropriation, or investment of the fund accruing on said contracts.

SEC. 3. Said original sections forty-seven and forty-eight of said act are hereby repealed.

SEC. 4. This act shall take effect on its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 11, 1863.

## AN ACT

To amend section two of an act entitled "an act to require mortgages or bills of sale of personal property to be deposited with township clerks," passed February 24, 1846. Sw. & Cr. 476.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the act entitled "an act to require mortgages or bills of sale of personal property to be deposited with township clerks," passed February twenty-four, eighteen hundred and forty-six, be amended so as to read as follows:

Sec. 2. The instruments mentioned in the preceding section shall be deposited with the clerk of the township in this state where the mortgagor therein, if a resident of this state, shall reside at the time of the execution thereof; and if not a resident, then with the clerk of the township where the property so mortgaged shall be at the time of the execution of such instrument. That the mortgagee, before the filing of such instrument with the township clerk, or in the office of the recorder of the county, as contemplated by said act, shall enter thereon a true statement, in dollars and cents, of the amount of his claim, and that it is just and unpaid, which statement shall be verified before some justice of the peace or other officer authorized to administer oaths.

Mortgage, etc., where to be deposited.

Mortgagee to enter amount, etc., of his claims on mortgage.

Sec. 2. This act to take effect and be in force from and after the first day of June, 1863.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 11, 1863.

## AN ACT

To provide more effectually for the defense of the state against invasion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be and he is hereby authorized, in case of invasion of the state, or danger thereof, to take measures to call into active service such numbers of the militia of the state as in his opinion may be necessary to defend the state, and repel such invasion; and when so called into active service, the said militia shall serve at such place and places as in the judgment of the governor may be best adapted to repel the invasion and defend the state against the same, and shall be governed by the military laws of this state, and the rules and articles of war of the United States.

Governor to call militia into service in case of invasion.

Sec. 2. For the purpose of paying the necessary expenses that may be incurred by the governor in calling out the militia of this state for any of the objects provided for in this act, there is hereby appropriated the sum of five hundred thousand dollars, and the governor is hereby required to make a report of all the expenditures of said sum to the general assembly at their next session thereafter.

Appropriation to pay militia thus called into service.

Sec. 3. That to provide money to meet the appropriations contained in this act, the commissioners of the sinking fund be and they are hereby authorized and empowered to borrow, on the faith and credit of the state, such sum and sums of money, not exceeding in the aggregate

Fund commissioners authorized to borrow money;



And issue  
registered cer-  
tificates there-  
for.

Payment of  
interest.

five hundred thousand dollars, as may be ascertained by the auditor of state, and by him from time to time certified to them, to be necessary to meet the aforesaid expenditures. And whenever it shall become necessary to borrow any sum of money under the authority of this act, the commissioners of the sinking fund shall take such measures, and give such public notice by advertisements or otherwise, as in their judgment may be needful to enable them to obtain the same without unnecessary delay. And for the moneys so borrowed, the commissioners shall issue registered certificates to the proper parties, payable at the treasury of the state, or at the agency of the state in the city of New York, at such time and times as they may deem proper, but no longer than seven years from the first day of July, 1863. The certificates so issued shall bear a rate of interest not exceeding six per cent. per annum, and shall not be subject to any tax or assessment levied under the authority of this state. The interest on certificates payable at the treasury of the state, shall be payable the first day of May and the first day of November in each year, and the interest on the certificates payable in New York, shall be payable the first day of January and the first day of July in each year. The expenses of the commissioners in making the loan herein authorized, shall be paid out of any money in the treasury belonging to the general revenue.

Sec. 4. This act to take effect from its passage, and be in force for one year only.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 11, 1863.

#### AN ACT

To provide a board of commissioners to examine certain military claims, and making an appropriation for their payment.

Board of com-  
missioners  
constituted.

Character of  
claims to be  
adjusted.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state, quartermaster-general of Ohio, and treasurer of state, be and they are hereby constituted a board of commissioners to examine, adjust, and allow such claims of the citizens of the state of Ohio as in the opinion of said commissioners shall be just and proper, not otherwise provided for, accruing previous to the year 1863, growing out of military transactions, and of the following character, to wit: 1st. Claims for pay of volunteers enlisted under the authority of the state or general government, for such time as they are not entitled to receive pay from the general government, although such volunteers may have been discharged without having been mustered into service. 2d. Claims for recruiting service, and the legitimate and reasonable expenses incident thereto, accruing under the authority of this state or general government, where the contract, or understanding at the time, has been fully complied with on the part of the claimant, and not on the part of the state or general government, through consolidation of regiments or otherwise. 3d. All claims of field officers of regiments raised, or authorized to be raised, for the army of the United States, for the time such officers were actually engaged under appointments from the

governor, in organizing such regiments, or doing duty in camps of rendezvous or instruction, before their muster into the service of the United States, in case they were discharged from the service by the consolidation of their regiments. 4th. Claims for quartermaster's stores, clothing, blankets, shoes, caps, fuel, medicines, and other goods furnished volunteers on orders from commissioned officers not lower in rank than colonel or other officer commanding a regiment, in command of such volunteers. 5th. Claims for necessary transportation, traveling expenses, and subsistence. 6th. Claims for labor, hospital service, teaming, and printing. 7th. Claims for supplies furnished to, labor done for, and grounds used for camps under contracts authorized by the governor or other proper officer, by the regiments of state militia, organized under the acts of the general assembly of the state, passed April 26th and May 8th and 9th, 1861. 8th. Also for claims for the use of grounds occupied under contract made by authority of the governor, and used for camps, and for damages thereto, which may have been submitted to the board of claims organized under the act of May 1, 1862.

SEC. 2. The said board shall have power to call witnesses before them, and examine them under oath, which oath may be administered by either member of said board, or their clerk; to require the production of books and papers, by order served by the clerk; to make all necessary rules, general or special, which may be necessary in the premises; and decide all claims, fixing the amount as in their judgment, and with the evidence before them, shall seem just and equitable.

Powers of the board.

SEC. 3. Said board and attorney general shall receive no compensation for their services; and in case either should refuse, or be otherwise unable to serve on said board, the vacancy shall be filled by appointment by the governor; and it shall require the endorsement of at least two of said commissioners, on triplicate vouchers, fixing the sum allowed, to entitle the claimant to pay.

No compensation to commissioners—governor to fill vacancy.

SEC. 4. Said board is hereby authorized to employ a competent clerk, whose duty it shall be to keep a full and correct record of all claims presented, make true abstracts thereof for the use of the board, execute all orders of the board, and receive as compensation such sum as the board may fix, which compensation, together with the expenses necessary in executing orders, etc., shall be paid from an appropriation contained in this section; and there is hereby appropriated from any money refunded, or if that be insufficient, from that which may be refunded by the United States, the sum of one hundred thousand dollars, to pay the claims which may be allowed by said board of commissioners: *Provided, however,* that nothing herein contained shall prevent the allowance and payment of such just and proper claims as were rejected by the commissioners appointed under the act of the general assembly, entitled "an act to provide a board of commissioners to examine certain military claims, and making appropriations for their payment," passed May 1st, A. D. 1862.

Clerk of the board.

Appropriation.

SEC. 5. The powers herein conferred upon said board shall end on the 15th day of December, A. D. 1863, on or before which day said board shall report the result of its investigation to the governor, to be by him presented to the next general assembly of this state; and said board shall preserve triplicate vouchers for all claims allowed, with a view to having the same refunded by the general government.

Termination of the board.

SEC. 6. In all cases where a claim is allowed by said commissioners, the same shall be filed in the office of the secretary of state, and they shall immediately certify the same to the auditor of state, who shall

Claims allowed to be filed.

Attorney general required to represent the state, etc.

draw an order on the treasurer of state in favor of such claimant for the amount so allowed. It is hereby made the duty of the attorney general to appear and represent the state before said commissioners, when said claims are investigated, and then and there contest the validity of such claims, if in his opinion the same should not be allowed.

SEC. 7. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 13, 1863.

### AN ACT

To enable qualified voters of this state, in the military service of this state, or of the United States, to exercise the right of suffrage.

Voters in military service entitled to exercise the right of suffrage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any of the qualified voters of this state shall be in the actual military service of this state, or of the United States, and as such, absent from the township or ward of their residence, on the days appointed by law for holding county, state, congressional, or presidential elections within this state, or on the days appointed by the governor for holding special elections to fill vacancies, such qualified voters shall be entitled at such time to exercise the right of suffrage as fully as if they were present at their usual places of election, notwithstanding any provisions to the contrary in any act or acts now in force.

Polls, where to be opened and when.

SEC. 2. A poll shall be opened in each company at the quarters of the captain or other commanding officer thereof, and all electors belonging to such company, who shall be within two miles of such quarters on the day of election, shall vote at such poll, and at no other place: officers other than those of a company, and other voters detached and absent from their companies as aforesaid, may vote at such of the said polls as may be most convenient to them, and when there shall be twenty such voters at one place, distant more than two miles from any company poll, the electors present may open a poll at such place as they may select and certify in the poll-book.

Time of polling.

SEC. 3. The polls shall be opened at ten o'clock in the morning, and close at five o'clock in the afternoon.

Judges and clerks of election.

SEC. 4. At ten o'clock on the day of election the electors present at each of the places aforesaid shall elect, viva voce, three persons present at the time and having the qualifications of electors, for the judges of said election; and the judges so elected shall then appoint two of the persons present who shall be qualified to act as clerks of said election.

Oath of judges and clerks.

SEC. 5. Before any votes shall be received, said judges and clerks shall each take an oath or affirmation that he will perform the duties of judge or clerk (as the case may be) of said election, according to law, and the best of his abilities; and that he will studiously endeavor to prevent fraud, deceit, or abuse, in conducting the same; which oath any of the judges or clerks so provided for or elected may administer to each other, which oath or affirmation shall be in writing, signed by said judges and clerks, and certified to by the party administering the oath, and attached to the poll-book.

Sec. 6. All elections shall be by ballot, and the judges of elections may, and upon challenge of any voter, shall examine, under oath, the applicant to vote, (which oath any of said judges may administer), in respect to his right to vote, and his qualifications to vote in the particular ward, township, or county of this state, in which he claims residence.

Vote by ballot—challenging, etc.

Sec. 7. Separate poll-books shall be kept, and separate returns made, for the voters of each county. The poll-books shall name the company and regiment, or in case of detached voters, as above prescribed for, the post or hospital in which such election is held. The county and township, ward or election district of each voter shall be endorsed opposite his name on the poll-books.

Poll-books, returns, etc.

Sec. 8. That the judge to whom any ticket shall be delivered shall, upon the receipt thereof, pronounce with an audible voice the name of the elector, and if no objection is made to him, and the judges be satisfied that said elector is a citizen of the United States, and legally entitled, according to the constitution and laws of this state, to vote at said election, he shall immediately put said ticket in the box, without inspecting the names of persons voted for, and the clerks shall enter the name of the elector on the poll-book of his county, and number, ward, or township and county of his residence, at the time of his enlistment, pursuant to the form herein given.

Manner of voting.

Sec. 9. At the close of the polls, the poll-books of each county shall be signed by the judges, and attested by the clerks, the names counted, and the number set down at the foot of the poll-books, and a certificate of the oath of judges and clerks attached thereto.

Counting the names of voters, etc.

Sec. 10. After the poll-books are signed, the ballot box shall be opened, and the ballots or tickets therein contained shall be taken out, one at a time, by one of the judges, who shall read distinctly, while the ticket remains in his hand, the name or names therein contained, and then deliver it to the second judge, who shall examine the same, and pass it to the third judge, who shall string the vote for each county upon a separate thread, and carefully preserve the same; the same method shall be pursued as to each ticket taken from the ballot box until the number taken from the box equals the number of names on the poll-books.

Canvassing votes.

Sec. 11. The clerk shall enter in separate columns, under the names of the persons voted for, as hereinafter provided in the form of the poll-books, all the votes of the electors of each county separately as aforesaid read by said judges, according to the form herein given.

Votes to be entered.

Sec. 12. That whenever two or more ballots are found folded or rolled together, it shall be conclusive of their being fraudulent.

Fraudulent votes.

Sec. 13. If a ballot shall be found to contain more than one name for the same office, it shall be considered fraudulent as to the whole of the names designated for that office, but no further.

Same.

Sec. 14. After the examination of the ballots shall be completed, the number of votes for each person in the county poll-books, as aforesaid, shall be enumerated under the inspection of the judges, and set down as hereinafter provided by the form of the poll-books.

Enumeration of votes.

Sec. 15. The following shall be the form of the poll-books to be kept by the judges and clerks of election, filling in the blanks of the county and other blanks carefully :

Form of poll-books, etc.

Poll-book of the election held on the 2d Tuesday of October, 186 ,  
 by the qualified electors of county, state of Ohio, in  
 company of regiment, county and state  
 of , A. B., C. D., and E. F. being judges, and  
 J. K. and L. M. clerks of said election, were severally sworn,  
 as per certificate.

Number and names of the electors and their county, township and  
 ward of residence :

No. 1, A. B. , county of , township or  
 ward of .

It is hereby certified that the number of electors for county,  
 Ohio, at this election, amounts to , Judges of Election.

Attest :

J. K.,  
 L. M.,  
 Clerks.

Form of certificate of oath of judges and clerks :

We, A. B., C. D. and E. F., judges of this election, and J. K. and  
 L. M., clerks, do each severally swear that we will perform the duties  
 of judges and clerks, as severally acting as above set forth, according  
 to law and the best of our abilities, and that we will studiously endeavor  
 to prevent fraud, deceit or abuse in conducting the same.

J. K.,	A. B.,
L. M.,	C. D.,
	E. F.,
Clerks.	Judges.

I hereby certify that C. D., E. F., judges, and J. K. and L. M.,  
 clerks, were, before proceeding to take any votes at said election, first  
 duly sworn as aforesaid.

A. B., Judge of Election.

October , 186 .

I certify that A. B., judge aforesaid, was also so sworn by me.

J. K., Clerk of Election.

October , 186 .

Poll-book of votes, names of persons voted for, for what office, containing the number of votes given for each candidate, by the qualified voters of \_\_\_\_\_ county, state of Ohio, in the military services of the United States, in company of \_\_\_\_\_ regiment, \_\_\_\_\_ county, state of \_\_\_\_\_, on the 2d Tuesday of October, 186 \_\_\_\_\_.

Governor.	A.	No. of votes.
Lt. Governor.	B.	No. of votes.
Secretary of State.	C.	No. of votes.
Auditor of State.	D.	No. of votes.
Treasurer of State.	E.	No. of votes.
Attorney General.	F.	No. of votes.
Judge of Supreme Court.	G.	No. of votes.
Board of Public Works.	H.	No. of votes.
Representative in Congress.	I.	No. of votes.
<div>SENATORS</div> <div>Representatives in General Assembly.</div> <div>SENATORS</div>	J.	No. of votes.
	K.	No. of votes.
	L.	No. of votes.
	M.	No. of votes.
Judge of Court of Common Pleas.	N.	No. of votes.
Probate Judge.	O.	No. of votes.
Clerk of Court.	P.	No. of votes.
Sheriff.	Q.	No. of votes.
Coroner.	R.	No. of votes.
County Auditor.	S.	No. of votes.
County Treasurer.	T.	No. of votes.
County Recorder.	U.	No. of votes.
County Surveyor.	S.	No. of votes.
Prosecuting Attorney.	T.	No. of votes.
County Commissioners.		

It is hereby certified A. B. had      votes for governor, C. D. had  
votes for governor, E. F. had      votes for lieutenant-governor, &c., &c.,  
&c., (giving the votes for all the candidates.)

Attest :

J. K.,

L. M.,

Clerks.

A. B.,

C. D.,

E. F.,

Judges of Election.

October      , 186      .

Poll-books to  
be transmitted  
to clerks of  
courts and  
secretary of  
state.

SEC. 16. After canvassing the votes in manner aforesaid, the judges, before they disperse, shall put in an envelope the poll-books of each county, being a list of the electors and candidates voted for by the electors of that county, and transmit through the nearest post-office one set of the poll-books as aforesaid, sealed, together with the ballots, to the clerk of the court of common pleas of the county in which such electors would have voted if not in the military service aforesaid, (being the county for which the poll-book was kept,) and the other poll-book of said county, in the next and different mail, shall be transmitted by express in like manner to the secretary of state, who shall, on demand of any clerk of the court of common pleas, certify officially the poll-books of the county in which the demandant is clerk, to said clerk.

Clerks to  
make ab-  
stracts of  
votes, etc.

SEC. 17. In thirty days after said election the clerk of the court of common pleas of each county receiving said returns, shall proceed to open and make abstracts of said votes, under the provisions of the general election laws of this state; and the said returns, after being so received, shall be counted with the other returns of county, state, congressional and presidential elections, in the same manner as if received from the several townships or wards in said county, and governed by the same law except as herein provided, and for the space of thirty days as aforesaid all certificates of election under any law, for the election of officers herein mentioned, shall be withheld for the purpose of receiving said votes. Said elections shall be subject to contest in the same manner as is now provided by law: *Provided, however*, that the time for notice of contest shall, in case of returns of votes cast under this act, be extended to twenty days after the opening of said returns, as in this section provided.

Subject to con-  
test.

Secretary and  
auditor of  
state to trans-  
mit copies of  
acts, blanks,  
etc., to com-  
panies.

SEC. 18. It shall be the duty of the secretary of state and auditor of state to cause to be printed a sufficient number of copies of this act, and blank forms of poll-books and returns as prescribed in this act, which, with the necessary postage stamps to defray expenses of postage on returns, shall, at least six weeks before any such election, be forwarded to the captain or commanding officer of each company, or in case of detached votes, to the officer having charge of the post or hospital, who shall retain the same until the day of election, and then deliver the same to the judges elected as provided in this act.

As to frauds.

SEC. 19. When any election under this act shall be held in this state, all the provisions of the general law in relation to fraud at elections and the punishment thereof, consistent with the provisions of this act, shall apply to all elections under this act.

No compensa-  
tion.

SEC. 20. No compensation shall be allowed to any judge or clerk under this act.

Sheriff to  
transmit  
copies of pro-  
clamation of  
election to  
officers.

SEC. 21. When the sheriff of any county shall issue his proclamation for an election for presidential, congressional, state or county election, under the laws of this state, he shall transmit immediately copies thereof to the field officers and senior captains in the service aforesaid from said county.

**Sec. 22.** The sum of five thousand dollars is hereby appropriated from the general revenue, to be paid upon the order of the secretary of state and state auditor, to carry this law into effect. Appropriation for expenses.

**Sec. 23.** This act shall take effect upon its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 13, 1863.

#### AN ACT

To amend the first section of the act entitled "an act for the more effectual protection of inclosures," passed February 28, 1846. Sw. & Cr. 436.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act aforesaid be amended so as to read as follows: **Section 1.** That if any person or persons shall wantonly or maliciously throw, put, or lay down, prostrate, deface, or injure any fence inclosing an orchard, pasture, meadow, garden, yard, or other field or inclosure, the property of or lawfully occupied by any other person or persons, or corporation, or shall wantonly or maliciously open, let down, throw down, prostrate, injure, or deface any gate or bars belonging to any such inclosure, every such person or persons shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court. Throwing down, etc., fences, or opening, etc., gates.

**Sec. 2.** This act shall take effect and be in force from and after its passage, and said original section is hereby repealed. Penalty.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 13, 1863.

#### AN ACT.

To punish an attempt to commit arson.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall willfully, maliciously and unlawfully attempt to burn, or cause to be burned, any dwelling-house, kitchen, smoke-house, shop, barn, stable, storehouse, warehouse, malt-house, stilling-house, mill, or pottery, the property of any other person, of the value of fifty dollars, or any church, meeting-house, court-house, work-house, school-house, jail, or other public building, or any ship, boat, or other water craft, of the value of fifty dollars, or any bridge of the value of fifty dollars, erected across any of the waters within this State, or if any person shall willfully, maliciously or unlawfully attempt to set fire to any of the buildings or other property described herein with What constitutes attempt to commit arson.



**Punishment.** intent to burn or destroy the same, by igniting or trying to set fire to or ignite the same, or any material or thing therein, or any combustible material or thing without the same and nearly adjoining thereto, though the same, or part thereof, be not fired or burned, every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding three hundred dollars, or imprisonment in the county jail, and fed on bread and water only, for a term not exceeding four months, or both, at the discretion of the court.

**Punishment for firing penitentiary.** **SEC. 2.** Any person who shall willfully, maliciously and unlawfully attempt to ignite, set fire to, or burn the Ohio penitentiary, or any shop, storehouse or building within the inclosed walls of the said penitentiary, by the means and in the manner described in the preceding section of this act, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than three years nor less than one year.

**SEC. 3.** This act shall take effect and be in force from and after its passage.

**JAMES R. HUBBELL,**  
*Speaker of the House of Representatives.*  
**B. STANTON,**  
*President of the Senate.*

April 13, 1863.

## AN ACT

Making appropriations for the year 1863.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be and the same are hereby appropriated out of any money belonging to the general revenue, to be paid out according to law, viz :

### STATE SALARIES AND EXPENSES.

**State officers.** For the payment of the salaries of the governor, auditor of state, secretary of state, treasurer of state, attorney-general, comptroller of the treasury, commissioner of common schools, commissioner of statistics, librarian, private secretary of the governor, superintendent of the state-house, and supervisor of public printing, the sum of fifteen thousand dollars.

**General assembly.** For the payment of the lieutenant-governor, members of the general assembly, their clerks and assistants, sergeants-at-arms and assistants, and messengers, and reporting clerks, under resolutions of the senate and house, fifty-five thousand dollars.

**Judges.** For the payments of the salaries of the judges of the supreme court, courts of common pleas, and superior courts, eighty-five thousand dollars.

### CLERKS.

**Auditor's.** For the payment of clerks in the office of the auditor of state, six thousand six hundred and fifty dollars.

**Treasurer's.** For the payment of clerks in the office of the treasurer of state, thirty eight hundred dollars.

For the payment of clerks in the office of the secretary of state, two thousand dollars. **Secretary's.**

For the payment of clerks in the office of the comptroller, twenty-six hundred dollars, and also the further sum of two hundred and sixty-five dollars, to pay former deficit on salary of clerks in said office. **Comptroller's.**

#### STATE-HOUSE.

For the ordinary expenses in taking care of the state-house and grounds, and preparing the halls for the general assembly, sixteen hundred dollars. **Care of state-house.**

For the payment of the engineer and laborers, and other expenses of the heating apparatus, fifteen hundred dollars. **Heating state-house.**

For the repair of engine, boilers, and other apparatus connected with the same, two hundred dollars. For meeting the deficiency of last year, five hundred dollars. **Repairs.**

For improving ventilation of state-house, one hundred dollars, to be expended under direction of superintendent. **Ventilation.**

For the purchase of fuel for warming the state-house, five thousand dollars. **Fuel.**

For payment for gas for lighting the state-house, four thousand dollars. **Gas.**

#### SUPREME COURT.

For the payment of the messenger of the supreme court, four hundred dollars. **Messenger.**

For the payment of the crier of the supreme court, fifty dollars. **Crier.**

For cases to preserve files and papers of the supreme court, and for blank-books for entries and records of the same, two hundred and fifty dollars; to be paid on the order of the superintendent of the state-house. **Cases for files.**

#### TREASURERS' MILEAGE.

For the payment of the mileage of county treasurers, in settling with the auditor of state, three thousand six hundred dollars. Hereafter, the mileage paid to county treasurers shall be at the rate per mile now allowed by law, computing by the most direct route of public travel from the county seat to and from the capital of the state.

For the purchase of the Ohio state reports, one thousand and fifty dollars. **Purchasing O. S. Reports.**

For the payment of county auditors and assessors, for taking and returning the enrollment of the militia, and lists of volunteers, under instruction of the governor, the sum of thirty-one thousand dollars. County auditors shall receive pay at the rate of one dollar for each one hundred names on the enrollment lists returned to the adjutant-general; one dollar for each one hundred names on the lists of volunteers returned to the adjutant-general, and for each one hundred names on the copy of the last-named lists, furnished to the commissioners, for drafting. Assessors shall receive pay at the rate prescribed by law for assessing personal property. **Services in enrolling militia.**

#### LIBRARY.

For the purchase of books, magazines and newspapers for the state library, six hundred dollars. **Books, magazines, &c.**

For the purchase of law books for the law library, five hundred dollars. **Law library.**

Shelving.	For shelving in library room, two hundred dollars.
Distribution.	For the distribution of laws and journals, fifty dollars.

## STATIONERY AND PRINTING.

Stationery and paper.	For stationery and blank-books, including printing paper, and articles necessary for the general assembly, ten thousand dollars.
Printing.	For the payment of the cost of printing for the state, five thousand dollars.
Binding.	For payment for binding for the state, seven thousand dollars.

## NIGHT WATCH.

Night watch in state-house.	For the payment of night watch at the state-house, employed by the treasurer of state, six hundred dollars. Said night watch shall also discharge the general duties of night watch at the state-house.
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## TRUSTEES.

Trustees of benevolent institutions.	For the payment of the expenses of the trustees of the benevolent institutions, six hundred dollars.
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## CONTINGENT FUND.

Governor's General.	For the governor's contingent fund, one thousand dollars.
	For the payment of the contingent expenses of the different offices and departments of the state government, except the contingent fund of the governor, the sum of five thousand dollars, to be paid out upon the allowance and auditing of the several items and amounts by the auditor of state, and in strict accordance with section five of this act ; but no money shall be paid therefrom for the traveling expenses of the commissioner of common schools.

## AGRICULTURAL.

State board of agriculture.	For the state board of agriculture, the proceeds of show licenses and escheated lands that have or may come into the state treasury, after deducting from said proceeds the amount of money heretofore paid to said board on account of sales of escheated lands in Wyandot county, belonging to the estate of John Tcherter, alias John Merryman, together with the interest thereon, as refunded to the purchasers of said land.
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## PUBLIC WORKS.

Salaries of members.	For the payment of the salaries of the members of the board of public works, three thousand five hundred dollars.
—engineers.	For the payment of the salaries of resident engineers on the public works, three thousand dollars.
Incidentals.	For the payment of attorneys' fees and incidentals on the public works, two hundred dollars.
Deficiency.	For balance due for superintendence and repairs previous to June 1, 1861, on division number one of the public works, two hundred and seventy-five dollars (\$275 00).

## MILITARY.

Governor's extraordinary military contingent fund.	For the governor's extraordinary military contingent fund, out of which, among other payments, he is to pay all nurses, pay-agents, volunteer surgeons, assistant surgeons, and for the removal of sick and
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wounded soldiers of Ohio, one hundred and ten thousand dollars: *Provided*, That the governor is hereby authorized to extend to Ohio soldiers, serving in regiments of other states, or in the regular service, who were, at the time of their enlistment, residents of this state, all rights and benefits conferred on Ohio volunteers by this act.

For the payment of the salaries of the governor's staff, six thousand five hundred dollars, being two hundred and fifty dollars of additional salary to be paid to the aid-de-camp of the governor for the ensuing year.

Salaries of  
governor's  
staff.

For the payment of clerks and assistant adjutant-general, in the office of the adjutant-general, four thousand one hundred and thirty-seven dollars. For the payment of clerks in the office of the quartermaster-general, fifty-three hundred dollars.

Adjutant-  
general's and  
quartermas-  
ter's clerks.

For the pay of laborers at the state laboratory, twenty-one thousand dollars; rent of buildings, five hundred and fifty dollars; heater and engineer, seven hundred dollars; fuel, four hundred and fifty dollars; tools, power, &c., fifteen hundred dollars; storage on powder, six hundred dollars; furniture for office of quartermaster-general, to wit: For purchase of fire-proof safe, five hundred dollars. For book-case for files, vouchers and books, two hundred dollars. For carpets, two hundred dollars. For railing, chairs, tables, &c., one hundred dollars. For payment of laborers at state arsenal, seventeen thousand one hundred and eighty-four dollars. For rent of building for repair of arms, two hundred and fifty dollars. For tools, fuel, material, &c., eighteen hundred dollars. For grading, fencing and improving the state arsenal and lot, twenty-five hundred dollars, to be expended under the direction of the quartermaster-general, in lieu of the appropriation of the twentieth of April, 1861, which has lapsed by law. For the collection, care and transportation of government arms within the state of Ohio, two thousand dollars.

State labora-  
tory.

Furniture  
for quartermas-  
ter.

State arsenal.

For the purchase of field tourniquets, to be under the care and direction of the surgeon-general of the state, for the use of soldiers of Ohio, in the service, two thousand dollars.

Field tourni-  
quets.

The accounts and vouchers of the quartermaster-general for transportation supplied to soldiers and others connected with the military, under the authority of the governor, and the accounts of moneys received by him for such transportation during the last fiscal year, shall be examined, audited and allowed by the auditor of state, in the same manner as other accounts; and the auditor shall draw his warrant on the treasury for the payment of such transportation, to pay which the sum of sixty-three thousand dollars of the moneys received by the quartermaster-general during the last fiscal year from soldiers and others for such transportation, is hereby appropriated. And the quartermaster-general is hereby required to pay into the state treasury all moneys received by him on account of such transportation, from whomsoever the same may have been received. And there is hereby appropriated, of the moneys received from soldiers and others by the quartermaster-general, to pay like transportation during the current fiscal year, the sum of one hundred thousand dollars, to be paid upon warrant on the state treasury, as in other cases. Such payment shall be made upon accounts upon which the governor or quartermaster-general shall have endorsed his approval. And it shall be the duty of the quartermaster-general, upon the passage of this act, to pay into the state treasury all moneys received by him on account of transportation since the 15th day of November, 1862, and monthly thereafter to make payment into the

Settlement of  
quartermas-  
ter-general's  
accounts.

Transporta-  
tion.

**Q. M. general's bond.** treasury of all moneys received on the same account. And the quartermaster-general shall give bond in the sum of fifty thousand dollars, to the acceptance of the auditor of state, for the faithful discharge of his official duties, and for the paying over of all moneys that may come into his hands by virtue of his employment by the state, which bond shall be deposited with the treasurer of state.

#### OHIO PENITENTIARY.

**Directors.** For the per diem and expenses of the directors of the Ohio penitentiary, eight hundred dollars.

**Officers.** For the payment of the salaries of the warden, deputy warden, steward, physician, clerk, chaplain and matron of the Ohio penitentiary, four thousand dollars.

**Guards.** For the payment of guards or assistant keepers at the penitentiary, eighteen thousand dollars.

**Current expenses.** For the payment of the current expenses of the penitentiary, fifty thousand dollars.

**Discharged convicts.** For the payment of discharged convicts, twenty-five hundred dollars.

**Books for library, &c.** For the purchase of books for the prison library for convicts and day school, seven hundred dollars, in lieu of appropriation which has lapsed by law.

**Repairs.** For enlargement and repairs at the penitentiary, twenty-five hundred dollars.

**Refunding over-work.** For refunding to convicts moneys received into the treasury for over-work, a sum not exceeding the amount thus received.

#### CENTRAL OHIO LUNATIC ASYLUM.

**Salaries of officers.** For the payment of the salaries of the superintendent, assistant physician, steward and matron of the central Ohio lunatic asylum, two thousand and fifty dollars.

**Chaplain, books, &c.** For the payment of the moral instructor, and purchase of books and pictures, two hundred dollars.

**Pavement.** For completing pavement in front of asylum lot, two hundred dollars.

**Provisions and expenses.** For provisions and necessary current expenses, and repairs of said asylum, thirty thousand dollars.

#### SOUTHERN OHIO LUNATIC ASYLUM.

**Salaries of officers.** For the payment of the salaries of the superintendent, assistant physician, steward and matron of the southern Ohio lunatic asylum, thirteen hundred and fifty dollars.

**Chaplain, books, &c.** For the payment of the moral instructor, and purchase of books and pictures, two hundred dollars.

**Provisions and expenses.** For provisions and necessary current expenses, and repairs of said asylum, eighteen thousand four hundred dollars.

**Steam apparatus.** For improvement of steam apparatus, four thousand dollars.

#### NORTHERN OHIO LUNATIC ASYLUM.

**Salaries of officers.** For the payment of the salaries of the superintendent, assistant physician, steward and matron of the northern Ohio lunatic asylum, thirteen hundred and fifty dollars.

**Chaplain, books, &c.** For the payment of the moral instructor, and the purchase of books and pictures for said asylum, two hundred dollars.

For the purchase of provisions, and for the necessary current expenses of said asylum, nineteen thousand dollars, and for repairs of water closets and roof of said asylum, seven hundred and fifty dollars. Provisions, expenses, &c.

#### DEAF AND DUMB ASYLUM.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the asylum for the deaf and dumb, six thousand dollars. Salaries of officers.

For the purchase of provisions, and for other necessary expenses and repairs of said asylum, eleven thousand dollars. Provisions and expenses.

#### BLIND ASYLUM.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the blind, five thousand dollars. Salaries of officers.

For the purchase of provisions, and for other necessary current expenses and repairs of said institution, seven thousand dollars. Provisions and expenses.

#### ASYLUM FOR IDIOTS.

For the payment of the salaries of the superintendent and teachers of the asylum for idiots, thirteen hundred dollars. Salaries.

For the purchase of provisions and payment of necessary current expenses and repairs of said asylum, four thousand five hundred dollars; to be paid in monthly installments, as in the appropriation act of 1862. Provisions and expenses.

For payment of the insurance, rent of the buildings, and grounds occupied by said asylum, five hundred and twenty-five dollars. Rent and insurance.

For the payment of the expenses of committees of the senate and house, visiting state institutions and reform farm, two hundred and fifty dollars. Expenses of committees.

#### LONGVIEW ASYLUM.

For the Longview asylum, a sum not exceeding eighteen thousand dollars, to be computed and ascertained by the auditor of state agreeably to the provisions of the thirty-third section of the act of February 27, 1861, entitled "an act further to provide for the government of the Longview asylum, and amendatory and supplementary to an act entitled 'an act to constitute the county of Hamilton a separate district for lunatic purposes, and to provide for the erection and government of an asylum therein;'" and the sum hereby appropriated shall be paid on the warrant of the auditor of state, upon like vouchers as in the case of the other lunatic asylums. General appropriation.

#### OHIO REFORM SCHOOL.

For the payment of the salaries of the acting commissioner, teachers, matron, watchmen and other officers of the Ohio reform school, four thousand three hundred and thirty-eight dollars. Salaries.

For the purchase of clothing, provisions, bedding, school books, and other necessary current expenses and repairs of said school, thirteen thousand two hundred dollars; to be paid in the manner provided in the appropriation act of 1862. For a brick building eighty by forty feet, two stories high, for a kitchen, ironing room, and dining room, for two hundred boys, in first story, dormitory for thirty boys, rooms for employees, and hospital, in second story, five thousand dollars. For a family building of brick, for forty boys, three thousand dollars. For two wash rooms, four hundred dollars. Provisions, expenses, buildings, &c.

Common  
schools.

SEC. 2. There is hereby appropriated from any moneys raised for the support of common schools, the sum of eleven hundred and ninety thousand dollars, if so much come into the treasury for that purpose, to be distributed and paid in the manner prescribed by law.

Balances  
repealed.

SEC. 3. That so much of the appropriation act of May 1, 1862, as appropriates money for the payment of the contingent expenses of the different offices and departments of the state government, except the contingent fund of the governor, is hereby repealed, as to any balance of said appropriation remaining undrawn.

#### MISCELLANEOUS.

Expenses of  
committees,  
&c.

SEC. 4. For the payment of expenses of committees, witnesses, depositions, and other expenses necessarily incidental to investigating and other committees created by the senate or house, or by joint resolution, at this session, five hundred dollars, to be audited on the order of the chairmen thereof.

P. D. Hillyer  
and I. J. Rich-  
ardson.

For the payment of P. D. Hillyer and I. J. Richardson, for money paid the state for lands misdescribed on sale to them by the state, and for which the state had no title, and neither party intended to contract for at such sale, three hundred and fifty-nine dollars and seventy cents, and interest from June 15, 1859, to the date of the passage of this act; and the auditor of state is hereby authorized to return to said Hillyer and Richardson their two promissory notes of the above date, each for three hundred and fifty-nine dollars and seventy cents, due in one and two years from said date, and take a receipt therefor in recision of said contract of sale. For the payment of Michael Poth, twenty dollars, for services in cleaning the hall of the house of representatives, to be paid on the certificate of the speaker of the house. For payment of repairs of furniture, and expenses incidental to this session of the general assembly, to be paid on the certificate of the sergeant-at-arms of the respective houses, two hundred dollars. For the payment of J. H. Pettinger, expenses incurred by him in the discharge of his duties as receiver of the Seneca county bank; such payment to be made on presentation by him to the auditor of state, of a certified statement of his account for such expenses, the sum of one hundred dollars.

Michael Poth.

Repairs.

J. H. Pettin-  
ger.

Restrictions.

SEC. 5. No money herein appropriated shall be expended for any other purpose than the specific purposes named in this act, and no money shall be drawn from the several contingent funds in this act appropriated, for the payment of subscriptions to newspapers, or for the payment of postage other than required in the official business of this state, or in the payment of any supplies for the personal comfort of those employed in said business and not necessary for the public service. Nor shall any be drawn from contingent funds for the payment of clerks in said departments, except in cases where, for merely temporary purposes, additional clerk force may be necessary. Nor shall any person receive pay for employment in more than one capacity, except in cases for which specific appropriation is made in this act. Nor shall more than one person be employed to do the duties of messenger and porter for the offices of the auditor, attorney-general and the fund commissioners; one for the offices of comptroller and treasurer; one for the office of the secretary of state, school commissioner and state library, and one for the office of the governor. The compensation of such messengers shall not exceed thirty dollars per month, to be paid out of the contingent fund of the several offices aforesaid, in equal proportions. Nor shall any money be drawn from the several contingent funds aforesaid,

Messengers.

Stationery.

for the purchase of, or payment for stationery used in the several departments of the state government; but it is hereby made the duty of the secretary of state to supply the several state officers all the stationery necessary in the discharge of the duties of their several departments. Nor shall any expenditure be made by any officer of this state, or by the directors of the penitentiary, or trustees or other officers of any of the state institutions, or any contract made so as to incur any indebtedness or liability on the part of the state beyond the appropriation named therefor.

Incurring  
indebtedness  
forbidden.

Sec. 6. This act shall take effect from its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 13, 1863.

#### AN ACT

Further defining the duties and liabilities of railroad companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every railroad company whose line of road, or any part thereof, is within this state, shall so employ its rolling stock used for the transportation of freight, as to afford as ample facilities for the transportation of local and way freight, delivered to or discharged by it along its line of road, as it affords for the transportation of through freight, in proportion to the amount of its rolling stock, giving facilities for transportation to neither class of freight in preference to the other.

Discrimination against  
local and way  
freight prohibited.

Sec. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 14, 1863.

#### AN ACT

To amend the second and third sections of the act passed April 30, 1862, entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes." 59 O. L., 71.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections two and three of the above recited act be so amended as to read as follows:

Sec. 2. There shall hereafter be levied annually by the commissioners of the several counties of the state, on each dollar of taxable property in their respective counties mentioned in the first section of the act to which this is an amendment, taxes at the rate herein specified, in

Annual levy.



For certain county purposes.	Hen of the taxes heretofore authorized by law to be levied, namely : For all county expenses, of whatever character, other than taxes for bridge, road, building, and poor purposes, and for the payment of the interest and principal of the debts of the county, such rate as the commissioners of the county shall at their June session determine to be necessary, not exceeding in any case the average of the following rates, that is to say : On any amount of such taxable property in the county not exceeding one million dollars, three mills ; on any amount of such taxable property exceeding one million, and not exceeding two millions dollars, two mills ; on any amount of such taxable property exceeding two millions and not exceeding six millions dollars, one mill and a half ; on any amount of such taxable property exceeding six millions dollars, one mill ; for road, bridge, and building purposes, each, such rates as the commissioners may at or before their June session determine, not exceeding six-tenths of a mill on any amount of taxable property on the county duplicate as aforesaid, not exceeding six million dollars, on any amount of such taxable property exceeding six million, and not exceeding ten million dollars, four-tenths of one mill ; on any amount of such taxable property exceeding ten million and not exceeding twenty million dollars, three-tenths of a mill ; on any amount of such taxable property exceeding twenty millions, and not exceeding thirty million dollars, one-tenth of a mill ; and on any amount of such taxable property exceeding thirty millions, one-twentieth of a mill ; and the tax herein authorized for road, bridge, and building purposes, may be used in common for said purposes, as may be found necessary by the commissioners ; and for county poor purposes, in counties having a county infirmary, three-fifths of one mill on each dollar of the taxable property of the county, valued and entered as aforesaid : <i>Provided</i> , That in any case any important bridge or bridges belonging to and maintained by any county, shall be destroyed by any casualty, and the restoration thereof may be necessary for public accommodation, the commissioners of such county may levy a special tax for that purpose, not exceeding one-half mill on the dollar of taxable property in the county, in any one year, the proceeds of which tax shall be applied solely to the restoration of such bridge or bridges. If the trustees of any township in this state shall deem an additional road tax necessary, in addition to the amount levied by the commissioners of their county, they shall determine the additional per centum to be levied upon the taxable property of their respective townships, not exceeding one mill on the dollar, where the taxable property of the county in which such township is located does not exceed six millions of dollars, and certify the same to the county auditor in writing, on or before the first Monday in June in each year ; and the auditor of the county shall assess the same, together with the per centum levied by the commissioners on all the taxable property in the townships ; and the auditor of the county shall, on or before the third Monday in June in each year, forward the list of the taxes for road, bridge and building purposes (except that part of the same set apart by the commissioners for bridge and building purposes), made out as provided by the twenty-eighth section of "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, to the clerk of each township, who shall immediately make out a list for each supervisor, of all persons in his district against whom any road tax may stand charged, together with the amount of such tax charged against each person ; and each supervisor shall notify every such per-
Rates.	
Road, bridge and building purposes.	
Poor purposes.	
Proviso.	
Additional road tax.	
Duty of county auditor.	

son agreeably to the provisions of the thirty-fourth section of the above-mentioned act, passed February 18, 1853, to work out the same on the public highway. *And provided further*, that the commissioners of Hamilton county may levy a tax not exceeding four-tenths of one mill on the dollar upon the taxable property of said county, to aid in the support of Longview Asylum. Hamilton county.

Sec. 2. That section three of the above recited act be amended so as to read as follows :

Sec. 3. There shall hereafter be levied annually for township purposes, including the relief of the poor, but not including the support of common schools or the payment of the interest and principal of the debts of the township, such rate of taxes as the trustees of the respective townships may certify to the county auditor to be necessary, not exceeding one half mill on each dollar of the taxable valuation of the property in the township, not exceeding two hundred thousand dollars, and one-fourth of one mill of such taxable valuation exceeding two hundred thousand dollars. *Provided*, That in counties where there is no county infirmary, a further township tax, not exceeding three-fifths of a mill on each dollar of the taxable property of the township, may be levied for the relief of the poor ; but this proviso shall not apply in counties having an infirmary. Tax for township purposes. Proviso.

Sec. 3. In cities of the second class having a population of not less than thirteen thousand inhabitants by the last federal census, and an amount of taxable property on the grand duplicate not exceeding six million dollars, they may, in addition to that now authorized by law, be levied for general revenue purposes, an amount not exceeding one mill on each dollar, and for bridge purposes, an amount not exceeding one-half of one mill on each dollar of such valuation. As to cities of second class.

Sec. 4. This act to take effect and be in force from and after its passage, and original sections two and three of the act hereby amended, are repealed.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 14, 1863.

#### AN ACT

To authorize administrators, executors and guardians to sell certain stocks therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the executor or administrator of any deceased person, or guardian, within this state, may sell, either at public or private sale, any railroad or other stocks which may have come into his hands as such executor, administrator or guardian under the order of the probate court of the proper county ; and if sold at private sale, at a sum not less than shall be fixed by order of said court. Administrator, &c., may sell railroad stock at public or private sale.

Sec. 2. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 14, 1863.

## AN ACT

To provide for the establishment of a commission in the city of Cincinnati, to encourage immigration, and to prevent fraudulent practices against immigrants to the state of Ohio.

Governor to  
appoint com-  
missioner of  
immigration.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor shall appoint and commission a commissioner of immigration, who shall be a citizen of the state, and shall hold his office for the term of four (4) years from the date of his commission, and shall receive no compensation from the state for his services.

Duties of said  
commissioner.

SEC. 2. It shall be the duty of said commissioner to give the immigrants the necessary information in relation to the soil and climate of the state, and the various branches of business advantageously to be pursued therein, and the most expedient and cheapest route by which the immigrant can reach the various parts of the state, and to give such further information as will protect immigrants from many impositions often practiced upon them.

Further  
duties.

SEC. 3. It is hereby made the duty of said commissioner to ascertain where lands within this state are held for sale by the state, corporations, or private persons, and to aid as far as possible in the disposal of said lands to proper persons, on moderate terms, and for which purpose he shall gather and post in a book, detailed information in relation to such lands, for the benefit of all such immigrants who may call upon him for the purpose of locating in this state.

Commissioner  
may publish  
information of  
his place of  
business, &c.

SEC. 4. The commissioner aforesaid may cause an advertisement of his official duties, with so much of this act as he may see fit, and such information as he may deem advisable, together with a direction to his place of business, to be printed in the English and German language, and to be placed in a conspicuous place, at the different termini of all public carriers in the state of Ohio; and any person or persons refusing to permit the same to be thus posted, or hindering the same, or in any manner defacing the same, after it shall have been thus posted, shall, upon conviction thereof, before any justice of the peace or police court, be fined in any sum not less than five (5) nor more than twenty-five (25) dollars, for each and every such offense.

—shall keep a  
register, &c.

SEC. 5. It shall be the duty of the commissioner to keep a register, in which the name of all immigrants calling upon him or consulting him shall be registered, their nationality, age, place of destination, and the branches of business intended to be pursued by them.

His seal.

SEC. 6. Said commissioner shall procure a seal, upon which shall be engraved the arms of the state of Ohio, and the words "commissioner of immigration," which seal, together with all official registers and papers, shall be handed over to his successor.

Appropriation  
for expense of  
commission.

SEC. 7. The following sum of money is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the objects of this act, the sum of five hundred dollars, to be expended under the direction of the governor, in a publication of a description of the state in English, German, and such other languages as the governor shall deem advisable, in the purchase of maps and books to be used in the office of the commissioner, to pay the rent of an office, and purchase of a seal to be used by said commissioner.

Commissioner  
may adminis-  
ter oaths, &c.

SEC. 8. The said commissioner shall have power to administer oaths and take depositions, and in the performance of such duties, shall be governed by the same laws, and entitled to the same fees as notaries public now are or hereafter may be.

Sac. 9. That said commissioner shall furnish a bond of ten thousand dollars; the sufficiency of said bond shall be certified by a judge or justice of the peace. His bond.

Sac. 10. The governor shall have power to remove said commissioner for inefficiency and misconduct in the discharge of the duties of his office, and in case of death, resignation, or removal, to appoint some proper person in his place. Removal.

Sac. 11. This act shall take effect from its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 14, 1863.

### AN ACT

To organize and discipline the militia of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty in such manner, not incompatible with the constitution and laws of the United States, as hereinafter prescribed. White males between 18 and 45 to perform military duty.

Sac. 2. That the auditor of this state shall issue his order to the county auditors of the several counties, requiring them to instruct the assessors of the several townships to perform all the duties required of them by this act. Auditor of state.

Sac. 3. That it shall be the duty of township assessors of the several townships, and the assessors of the several wards of the several cities, to prepare a list of all white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, without any exceptions, in their respective wards, townships, or districts. Township, ward, or district assessors aforesaid, shall annually, at the time of assessing taxable property, make out two rolls or lists of all names or persons enrolled as aforesaid, and place one in the clerk's office of their respective township, ward or district, and the other in the auditor's office of the proper county; and it shall be the duty of such auditor annually, on or before the first day of June, to return an accurate copy of such records of enrollment to the adjutant-general of the state, to be by him filed in his office, and an abstract of the aggregate number of persons so returned shall be forwarded by the adjutant-general of the state to the war department at Washington city, on or before the first day of January of each year. And if any assessor shall neglect, or from any cause omit to perform his duties, the other assessors, or either of them, of the city, town, ward or county, shall perform such duties, by order of the county auditor or commandant of regiments. All tavern-keepers, keepers of boarding-houses, persons having boarders in their families, and every master or mistress of any dwelling house shall, upon the application of any assessor, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all other information concerning such persons as such assessors may demand. If any person of Township and ward assessors to enroll the militia, and make and return two rolls annually. County audit or annually on or before the 1st of June to return true copy of enrollment to adjutant-general, who will report to war department on 1st of Jan. Who shall give information.

Fined for refusal, or false information.

Sheriff to collect fines.  
See sec. 38.

Military fund.

Pay of assessors.

Commandant of company to enroll men.

City or township clerk to receive list and give notice.

Before organization trustees to hear claims for exemption.

After organization commandants to hear claims for exemption.

whom information is required by any assessor in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he, she or they shall forfeit and pay not more than ten nor less than three dollars for each offense. Any person who shall refuse to give his own name and proper information when applied to by any assessor, or shall give a false name or information, shall forfeit and pay a like sum; and it is hereby made the duty of the assessors to report the names of all persons who shall incur any penalty prescribed in this section, to the sheriff of the county in which they reside, who shall, if the same were properly returned, proceed to collect of each and every person therein included so much of the above penalties as in his judgment may be proper and right: *Provided*, That no fine shall be assessed for a less sum than three dollars. All moneys collected under the provisions of this act shall be paid to the county treasurer, and go to the military fund of said county. The assessors shall be compensated for their services in making the enrollment required by this act at the same rate and in like manner as they are compensated for making the annual assessments of property. And it is hereby made the duty of the commandant of each company within the bounds of whose company any person liable to perform military duty may come to reside, within ten days next after he shall be informed of such residence, to enroll such person or persons; also, all persons who may from time to time arrive at the age of eighteen; and it is hereby made the duty of the commandant of the several wards, townships or districts of this state to cause all such persons, and all other persons whose names should not be enrolled and who are liable to perform military duty, to perform the same military duty as shall be performed by those enrolled at the proper time.

Sec. 4. And said clerk, within ten days after receiving said list of enrollment, as provided in the preceding section, shall give written notice thereof by posting the same in five public places within said township, ward or election district, which said notice shall also state that the township trustees will hear and determine claims for exemption from military duty, within twenty days next ensuing. Any person thus enrolled claiming exemption as aforesaid, by any of the laws of congress or of this state, or who claims that he is exempt from said duty on account of bodily infirmity or disability, shall, before he is excused from said military duty, produce to the trustees of the township the certificate of a surgeon of acknowledged skill, stating clearly that such person is physically unable to perform military duty, and shall produce such other evidence in the case as the trustees may require: *Provided*, That such evidence shall be produced to the satisfaction of said trustees within twenty days after the posting up of said written notice. And when any person thus enrolled shall produce to said trustees satisfactory evidence, together with his own affidavit, that he is entitled to exemption from the performance of military duty, then such trustees shall give to every such person a certificate of exemption, which shall be valid so long as his disability shall continue, and no longer. Persons so exempted, and persons while in the military service of the general government, idiots, insane persons, paupers and persons convicted of infamous crimes, shall not be taken into consideration when organizing the foregoing enrolled men into companies and regiments. All applications for exemption from the performance of military duty, made after the militia of this state shall have been organized, shall be made to the commandants of the several regiments or battalions, in the same manner that applications

were made to the trustees of the several townships, wards and districts, in the organization of the militia, and said commandants shall bear and determine all such applications as provided in this section, and when necessary issue certificates of exemption in pursuance of the same: *Provided*, That all certificates of exemption granted by the trustees aforesaid shall, after said enrolled men are organized into regiments, battalions and companies, be submitted to the commandant of the proper regimental district for approval, and if not approved by said commandant, said certificate of exemption so granted shall be void.

Certificates of trustees void when.

Sec. 5. The trustees of the several townships, wards and districts shall, immediately after receiving the enrollments, as provided in section three, and after completing the examination of such persons claiming exemption from military duty, divide said townships, wards or districts into company districts, in such manner as to give to each district not less than sixty nor more than one hundred and twenty persons subject to military duty; and they shall give to each of said districts a number, by which it may be known; they shall also fix upon a place, within each company district, where an election shall be held to fill the offices of said company; and notice of their action herein shall be given by said trustees by publication in some newspaper, if one be printed in the district, and if not, then by a written notice conspicuously posted up in at least five places in each of said company districts: *Provided*, That should there be less than sixty persons liable to military duty in any of the townships, wards or districts of this state, the trustees thereof may attach said persons to any adjoining township or ward of the same county, for military duty.

Trustees to form company districts of 60 to 120 men for duty; numbers.

Company elections.

Under 60 may be attached.

Sec. 6. The persons liable to perform military duty by the provisions of this act, shall meet together at the place designated by the notice required by the fifth section of this act, on the first Saturday of July next, at the hour of one o'clock P. M., and when so met shall elect, viva voce, three of their number to act as judges of said election, and two of their number to act as clerks; and when thus organized they shall proceed to elect, by ballot, one captain, one first lieutenant, and one second lieutenant of said company; that said clerks shall keep a record of the names of all persons who shall vote at said election; that the polls shall close at the hour of five P. M. of said day, when the judges shall count the votes thus cast, and declare, in an audible voice, the persons thus elected for company officers: *Provided*, That if two or more persons shall receive the highest and an equal number of votes for the same office, said judges shall determine by lot which of said persons receiving an equal number of votes is elected; and said judges and clerks shall forthwith make return of said poll-book and election to the sheriff of their county, who shall, without delay, forward to the adjutant-general by mail a copy thereof.

First election to be held July 4th.

In case of tie.

Returns to sheriff and adjutant-general.

Sec. 7. All persons serving as judges and clerks of any election of military officers in this state shall, before entering upon their duties, take an oath or affirmation to honestly and faithfully discharge their respective duties as such before any officer who is authorized to administer oaths, and any commissioned officer of the militia of this state may administer such oath or affirmation.

Oath of judges and clerks.

Sec. 8. The sheriffs of the several counties of this state, shall, on or before the tenth day of July next, organize the several companies within their respective counties into regiments of not less than eight, nor more than ten companies each, and forthwith report each company, its location, and number of companies in each regiment, or battalion,

Sheriffs on or before 10th July to organize regiments or battalions.

and report to adjutant-general.

Sheriffs to order elections for field officers.

Grade of officers.

Notice of election, how given.

Returns to sheriff, and by him to adjutant-general.

Fifteen days allowed to contest election.

Other officer or person may be detailed to do duty of sheriff, trustees or assessors.

Staff officers.

Non-commissioned officers and musicians.

Governor may form new regiments or consolidate old ones.

Officers of regiments may do the same as to companies.

Volunteer organizations to be organized by the governor.

and the strength of each, to the adjutant-general, who shall record the same, and affix a designation by letter, to each company, and by number, to each regiment or battalion, and immediately transmit to the proper sheriff a schedule of the designations so fixed: *Provided*, That if in any county of this state there shall be a less number than eight companies, then said companies shall be organized into battalions. Immediately after receiving a schedule fixing such designation, the sheriff shall designate a time and place for each of said regiments or battalions to meet and hold an election for one colonel, one lieutenant-colonel, and one major: *Provided*, That in counties or districts having less than eight companies, no officer shall be elected of a higher grade than lieutenant-colonel: *Provided, also*, That in counties having less than four companies, there shall be no officer elected of a higher grade than a major; and give notice thereof by publication in some newspaper for not less than two weeks, if one be published in said county, and if not, then by written notice conspicuously posted in each company district of the county; and the members of said regiment or battalion, when so met, shall proceed to elect said officers, and make a return thereof to the sheriff; being governed in all things, as to the mode and manner of elections, by the provisions of this act. The sheriff shall forthwith transmit to the adjutant-general [two] copies of said election returns, and thereupon the governor shall issue commissions to the persons elected, if, within fifteen days after the receipt of said poll books, he shall not receive notice of a contest for any of the positions so returned by the sheriff.

Sec. 9. That if any of the assessors or trustees of the several townships of this state, or any of the sheriffs, shall refuse or neglect to perform any of the duties required of them by this act, the governor may order the adjutant-general, or such other person or persons as he may deem proper, to perform all or any of the duties so neglected to be performed by said assessors, trustees, or sheriffs.

Sec. 10. To each regiment and battalion there shall be one adjutant and one quartermaster, who shall be appointed by the commandant thereof.

Sec. 11. To every regiment, battalion, and company organized under the provisions of this act, there shall be the same non-commissioned officers and musicians as in the armies of the United States, who shall be appointed by the commandants thereof.

Sec. 12. New regiments or battalions may be organized, or old regiments and battalions consolidated, in the several counties of the state, whenever in the opinion of the commander-in-chief the good of the service will be promoted thereby, and all elections for officers made necessary by any such action of the commander-in-chief, shall be conducted in conformity with the provisions of this act.

Sec. 13. New companies may be organized, or old companies consolidated, in any of the regimental districts of this state, upon the vote of a majority of the commissioned officers in any regimental district so to be affected, that the good of the service demands such change in their organization, and all elections made necessary by such change shall be had in accordance with the provisions of this act.

Sec. 14. The commander-in-chief may authorize the formation of such number of volunteer companies of infantry, artillery, and cavalry, as the good of the service may indicate, and of the strength, respectively, prescribed for volunteers in the service of the United States, and order elections therein, which shall be conducted in accordance with the pro-

visions of this act; and the commander-in-chief may prescribe for every such volunteer company or battery such rules and regulations as in his judgment will increase the discipline and efficiency of the same. And in the artillery arm, volunteer batteries may be organized, if the commander-in-chief shall deem proper, as follows: For a battery of two guns, one first and one second lieutenant, three sergeants, four corporals, one musician, one artificer, and not less than thirty-eight nor more than forty-one privates. For a battery of four guns, one captain, one first and one second lieutenant, six sergeants, eight corporals, two musicians, two artificers, one wagoner, and not less than seventy-six nor more than eighty-one privates. For a full company, or battery of six guns, one captain, one senior first lieutenant, one junior first lieutenant, one senior second lieutenant, one junior second lieutenant, eight sergeants, twelve corporals, two musicians, two artificers, one wagoner, and not less than one hundred and fourteen nor more than one hundred and twenty-two privates.

SEC. 15. And two or more batteries may be consolidated by order of the commander-in-chief, at his discretion, so as to form a four gun or a six gun battery, with the strength and upon the basis herein prescribed. He may also consolidate any detachments of the same arm, whether of infantry, cavalry, or artillery, that may fail to enlist a sufficient number of acceptable volunteers within the time limited, or which may after organization become and remain for thirty days reduced below the minimum standard; or he may disband them, and order the officers to be mustered out, as he shall deem proper. And in all cases of consolidation, commissioned officers for the consolidated organization shall be elected by its members, as in other cases, and all officers belonging to such original detachment, and not so elected by the consolidated organization, and all surplus men, shall be mustered out, on his order, as supernumerary.

SEC. 16. All officers of volunteers mustered out upon consolidation or disbanding of organizations or detachments, or resigning their commissions, or dismissed, or discharged, and all non-commissioned officers, musicians, artificers, wagoners, and privates of volunteer organizations, or detachments, who may be disbanded, dismissed, or discharged, except such as may be by virtue of their five years service, as in this act provided, or for any other lawful cause exempt from military duty, shall be forthwith enrolled with the militia.

SEC. 17. The several companies of cavalry and infantry and the batteries of artillery shall be numbered separately in each arm, by the adjutant-general. A record of such numbering shall be made and kept in the office of the adjutant-general. And where they exist in sufficient numbers, and are conveniently located for the purpose, the cavalry shall be organized, by the commander-in-chief into squadrons, battalions, or regiments, and the infantry into battalions or regiments, and officered as provided by law; and in the same arm, the company or battery earliest commissioned shall be first or senior in rank, and the company or battalion next earliest commissioned, second in rank, and so on in order of date to the companies or batteries latest commissioned, dating from the first commissions to the officers of the company or battery.

SEC. 18. Each volunteer company and battery, organized under the provisions of this act, may adopt such a constitution and by-laws as a majority of all the members of such company or battery may approve; which shall be binding on all the members of said company or battery; and when any fines are assessed by reason of any infraction of such consti-

He may prescribe rules and regulations.

Two gun batteries.

Four gun batteries.

Six gun batteries.

Volunteers may be consolidated or mustered out.

Election after consolidation.

Volunteers, when to be enrolled in the militia.

How volunteer companies designated by adjutant-general. Further organizations.

Rank of companies and batteries.

Companies and batteries may adopt and enforce by-laws.



tution and by-laws, such company or battery may have process before any court of competent jurisdiction, in the name of the state, for the use of such company or battery, and prosecute to final judgment and execution, all such fines and penalties provided for by such constitution or by-laws: *Provided*, That said constitution and by-laws are not inconsistent with this act, or the constitution of the United States, and of this state: *Provided, also*, That in no case shall the state pay any costs of such prosecution.

Commandants of volunteers to make returns to adjutant-general, when.

SEC. 19. Every commandant of any volunteer company, battery, squadron, regiment, or battalion, shall make a return of all commissioned and non-commissioned officers, musicians, and privates, under his command, and all arms and accoutrements belonging thereto, to the adjutant-general, on or before the first day of November in each year, and all such returns shall be preserved by the adjutant-general in a book of records in his office.

Returns of companies, battalions, and regiments of militia, to whom and when.

SEC. 20. That every commandant of any company of the militia shall make a return of all non-commissioned officers, musicians, and privates, under his command, belonging to his company, and all the arms and accoutrements belonging thereto, to the commandant of his regiment or battalion, on or before the first day of October in each year; and the commandant of each regiment or battalion of the militia, shall make a return to the adjutant-general on or before the first day of November in each year, and all such returns shall be preserved by the adjutant-general, in a book of records kept in his office.

Volunteers serve five years; then exempt.

SEC. 21. Every commissioned and non-commissioned officer and soldier of any volunteer company or battery, shall be held to duty therein for five years, unless some absolute disability shall occur after forming such company or battery, or he shall be discharged by the proper officer; and every person as aforesaid, after the expiration of said term, shall be entitled to a certificate of such service, and said certificate shall be given to all such persons by the adjutant-general; and the holders of said certificates shall be exempt from military duty in time of peace.

Certificate of adjutant-general.

Resignations of volunteer officers, to whom. Elections.

SEC. 22. Resignations of commanding officers of regiments and battalions, and of commissioned officers of volunteer organizations, shall be made to the adjutant-general for acceptance by the governor, and the governor shall fix upon a time and place for an election to fill the vacancy as well as vacancies by death or otherwise: *Provided*, That the governor may authorize commandants of regiments or battalions, in whose district there shall be located any volunteer company or companies, to order elections to fill vacancies that may occur in said companies. Resignations of all other officers shall be made to the commandants of regiments or battalions, who shall order elections thereupon to fill vacancies, and also vacancies occasioned from other causes; and all elections for filling said vacancies, shall be in accordance with this act.

Militia resignations. Elections.

Official oath.

SEC. 23. Every officer commissioned by virtue of this act shall, within ten days after receiving his commission, take an oath to support the constitution of the United States, and of the state of Ohio, and also an oath of office, which shall be indorsed on the back of the commission by the person administering it; and if any person receiving a commission shall fail to take the oath aforesaid, within the time herein provided, and give notice thereof within twenty days thereafter to the officer whose duty it is, in case of a vacancy to order an election, and forward the date of his commission to the adjutant of the regiment, squadron, or battalion to which he belongs, or to the governor, as the

Office vacant if oath not taken.

case may be, he shall be considered as refusing to accept such office, and the same shall be filled as in other cases.

Sec. 24. If any candidate or elector chooses to contest the validity of any election had under the provisions of this act, as to the right of any person proclaimed duly elected an officer, he shall give notice thereof in writing, to the sheriff holding the election returns, within ten days from the time of holding such election, and within said time, and in like manner, he shall notify the person whose election he means to contest, expressing the point or points on which he means to rely; and said sheriff shall summon the parties to appear at a certain time and place, which shall not exceed twenty days from the election, and not less than two days before the day of trial, shall issue a subpoena, when applied for by either party, to procure the attendance of witnesses; and the party so applying, shall serve the same, and endorse the time of service thereon, and shall make return thereof to said sheriff, at the time and place therein mentioned; and each witness thus subpoenaed shall be paid fifty cents for each day's attendance, on the certificate of said sheriff, and said sheriff shall hear and determine the same, including costs thereon, which shall be taxed against the party failing, which decision shall be final and conclusive.

Contested election proceedings.

Duties of sheriffs.

Sec. 25. That every officer elected under the provisions of this act, shall, after the expiration of fifteen days, if no notice of contest be given, as provided for in the preceding section, be entitled to a certificate from the officer ordering such election, and to a commission from the governor.

After fifteen days officer to be commissioned.

Sec. 26. That if the members of any company shall neglect or refuse to elect their company officers after proper notice, or shall elect those who refuse to serve, and such company remain without commissioned officers for the space of one month, it shall be the duty of the commandant of the regiment, squadron, or battalion to which it belongs, to order the members of such company to be attached to the adjoining company or companies within the same regiment, squadron, or battalion, and report his action to the adjutant-general; and the commandant of such company or companies to which they are attached, shall enroll them, and notify them to perform duty in the company to which they are attached; which notice shall be given by setting up written notices in three of the most public places in the bounds of the company attached; and the members of said company so attached shall be bound to perform duty in the company to which they are attached, from and after the date of said notice, as they would have been had they originally belonged to it.

If companies neglect or refuse to elect, or officers to serve, company to be attached and case reported to adjutant-general.

Sec. 27. That if by reason of such transfer, or other cause, any company becomes too numerous, and there are sufficient numbers to form a new company, the colonel or commandant of the regiment to which the same belongs, may detach as many as are necessary, from adjoining companies, without reducing such companies below the minimum number, and organize them into a new company, and order an election of company officers, which election shall be conducted as hereinbefore provided in elections for company officers, which proceedings he shall promptly report to the adjutant-general.

When new companies may be set off.

Election.

Sec. 28. There shall be a muster of the militia of this state on the last Saturday of September in each year, in which they shall meet by companies within their respective bounds; and each volunteer company and battery shall, besides such muster, have two or more additional

All companies muster last Saturday of September.

Volunteer companies have two or more additional musters.	musters in each year; the commanders of companies of militia in all cases to fix the place of holding company musters, and the commandants of volunteer companies and batteries to fix both the time and the place, but the place shall be within the bounds of the company or battery. There shall also in each year be one squadron, battalion or regimental muster of each squadron, regiment, or battalion, on the next Tuesday following the said last Saturday in September, and such regiments, battalions, squadrons and companies shall perform military evolutions, agreeably to the practice, rules and regulations of the armies of the United States, from 10 o'clock A. M. until 4 o'clock P. M. of said days, each company taking position in line according to the date of the commission of the commandant thereof, in all regimental, battalion, or squadron duty.
Squadron, battalion and regimental musters, when.	
Rank of companies.	
Hour of muster.	Sec. 29. That at all musters, whether company, regimental, or battalion, the officers and privates shall appear on their respective muster grounds on the day appointed or fixed by law, at 10 o'clock A. M., and the rolls of the companies shall be called as soon thereafter as may be, and again immediately before dismissal, and the absence of all persons belonging to each company noted.
Roll calls.	
Fine at company muster \$1 50.	Sec. 30. Every non-commissioned officer, musician, or private, who shall refuse or neglect to appear on any day of any company muster required by this act, shall, for every such refusal or neglect, pay the sum of one dollar and fifty cents.
Company officers assess fines within ten days.	Sec. 31. It shall be the duty of the commandant of each company to call a meeting of the commissioned officers thereof within ten days after each day's company muster required by this act, to make out a list of delinquents, and assess fines thereon, particularly noting therein the fines assessed, a copy of which list shall forthwith be returned to a justice of the peace of the proper township; such justice, on receiving said list, shall issue summons thereon forthwith, and proceed to trial and judgment, as in other civil cases.
How collected.	
Fine of officers per day.	Sec. 32. Every commissioned officer who shall refuse to appear fully armed and equipped on any day of muster required by this act, shall, for every such refusal or neglect, pay the sum of not less than three dollars, nor more than five dollars; and every non-commissioned officer, musician, and private, who shall refuse and neglect to appear as required by this act, at each and every day of regimental or battalion muster, shall be fined for every such refusal or neglect, the sum of one dollar; and all fines incurred under the provisions of this section shall be by the proper commandant reported to the next regimental court of inquiry for the assessment of fines.
Fine of men at regimental or battalion muster \$1.	
Report of.	
Who may avoid muster and fines by paying to county treasurer \$2 by 10th of September.	Sec. 33. Any member of the enrolled militia, excepting volunteers and commissioned officers, may commute for all fines for non-attendance at muster, to which he may be subjected in the course of the year, by paying into the county treasury, to the credit of the military fund, on or before the tenth day of September, the sum of two dollars; for which payment the treasurer shall give him a receipt, which must be presented to the commandant of his company, on or before the first muster-day thereafter, in order to secure the exemption from fine.
Volunteer companies have \$200 from military fund. Batteries \$100 for every two guns. Conditions.	Sec. 34. Each company of volunteer infantry or cavalry, organized, uniformed and equipped under the provisions of this act, shall be entitled to receive annually the sum of two hundred dollars as a company fund, for the care of arms, rents of armories, and other incidental expenses of said company, and a like allowance shall be made of one hundred dollars for every two guns in a battery; said sum of money to be paid out of the military fund of the county in which said company

or battery is located, on the certificate of the commanding officer of said company or battery, which certificate shall state the fact of compliance by said company or battery with the requirements of the law during the current year: *Provided*, That no such payment shall be continued to any company after its members shall be reduced below forty. All volunteer companies or batteries now organized and unformed under the laws of this state, shall be taken and considered as organized under this act, and entitled to all the privileges herein conferred.

See Sec. 15.

Existing companies saved.

Sec. 35. No muster or parade of the militia of this state shall be held on any day during which a general or special election shall be held, nor within five days previous to such elections, except in cases of riot, invasion, or insurrection, or imminent danger thereof; and if any officer shall order any such muster or parade, he shall forfeit and pay the sum of one hundred dollars.

No muster on election day or within five days before.

Fine, \$100.

Sec. 36. That the commandants of companies in each regiment, squadron, or battalion, shall constitute a regimental court of inquiry, over which the major or the commandant present ranking as senior shall preside; who shall meet at 10 o'clock a. m. on that day week next after their regimental, squadron or battalion muster, at or as near the place of such muster as is convenient; notice of which meeting shall be given by the commandants of regiments, squadrons or battalions, at their regimental, squadron or battalion muster, and repeated by commandants of companies to their companies before they are dismissed on the day of regimental, squadron or battalion muster; and at said regimental, squadron or battalion court of inquiry, the adjutant shall attend and keep a record of the proceedings of said court, and shall make out a list of the members fined at said court in each company, with the amount of fine assessed on each annexed to their names, which list shall be signed by the officer presiding at said court, and attested by the adjutant, and by him preserved. Any person feeling aggrieved by the decision of said regimental court of inquiry, may have a new trial by order of the commandant of the proper regiment or battalion; which commander shall thereupon convene a court of appeals, before which such new trial shall be had. The court of appeals shall meet at such time and at such place within the regimental bounds as the commandant shall order, and shall be constituted and organized in the same way as the court of inquiry.

Court of inquiry on fines, when to be held; its proceedings.

Notice relating to this court.

See Sec. 70.

New trial, when and how.

Sec. 37. That the officers constituting said regimental, squadron or battalion court of inquiry and appeals, shall each be entitled to receive the sum of two dollars for each day they may be engaged in attendance on said court, to be paid out of the military fund of the county.

Pay of the court of inquiry.

Sec. 38. That in all cases where fines or penalties are incurred or assessed in accordance with the provisions of this act, the company, battery, squadron, battalion, regiment, and court of inquiry, before whom, or on whose account the same are assessed or incurred, shall have process from any courts in this state, within the proper county, having jurisdiction of the amount of fines, to enforce the same to final judgment and execution; and in all cases the records of such company, battery, regiment, and court of inquiry, shall be received as prima facie evidences: *Provided*, That in all cases the defendant on trial may prove in evidence any irregularity in the assessing of such fines, or any other lawful matter of defense not reaching back of the organization of

Fines, how collected and for whose benefit.

Evidence.

Officers to collect and pay over fines promptly. Fine for neglect; see Sec. 41.

Arrests of officers.

Court martials. Proceedings.

Governor to detail the court martial.

Fees of provost marshals and witnesses.

Subpoenas.

Fines of officers. Colonel, lieutenant colonel, or major commanding, \$10 to \$75.

Subordinates of field rank, \$8 to \$50.

Captain, \$6 to \$40.

Lieutenant, \$5 to \$30.

Non-commissioned officers, musicians and privates, \$2 to \$3. Proviso.

Arrest for molesting officer or man on duty.

such company, battery, or the enrollment of the defendant. And it is hereby made the duty of all officers assessing fines under the provisions of this act, to collect the same without delay, and pay the same over to the proper military fund, reserving the costs of collection, as provided in this act: *Provided, further*, that it shall be the duty of all commandants of batteries, companies, battalions, or regiments, in behalf of whose command, or in whose district any fines are assessed under the provisions of this act, to faithfully collect and pay the same over to the treasurer of the proper county, to go into the military fund.

SEC. 39. That on charges and specifications, made in writing, against an officer to a superior officer, such superior officer shall, if he thinks the complaint sufficient, cause the officer against whom the complaint is made, to be arrested; and when an officer is arrested, the officer whose duty it is to arrest, shall notify the officer arrested, in writing, that he is suspended from command until acquitted from such complaint, stating the ground of arrest; the complaint may be dismissed by the governor, or he may order a court martial at his discretion; the proceedings in the trial shall be had, as near as may be, as provided in the rules, regulations, articles of war, and practice for the government of the armies of the United States.

SEC. 40. The governor, on ordering a court martial, shall detail a judge-advocate and provost-marshal for the trial of said cause; and the members of said court and judge-advocate shall be entitled to receive two dollars each for each day's attendance at said trial, and in traveling to and from court; and the provost-marshal shall receive the same compensation as is allowed to sheriffs for similar service; and witnesses shall receive fifty cents for each day's attendance, and five cents a mile for traveling to and from court; the same to be paid out of the county military fund, on the order of the president of the court; the president of the court may issue subpoenas to compel the attendance of witnesses, and enforce their attendance, if necessary, by attachment.

SEC. 41. That the following fines shall be assessed for delinquency under this act, to wit: On any colonel of a regiment or commandant thereof, and on the commandants of squadrons or battalions, for neglect of any order of a superior officer, or of any of the duties enjoined by law, not less than ten, nor more than seventy-five dollars; on a lieutenant-colonel, or major, who is not commandant of a regiment, squadron, or battalion, and any staff officer ranking as such, for neglect of any order of his superior officer, or any of the duties enjoined upon him by law, not less than eight, nor more than fifty dollars; on the captain of a company, and on any staff officer ranking as such, for any neglect of any order of his superior officer, or any of the duties enjoined on him by law, not less than six, nor more than forty dollars; on a lieutenant, or cornet, or staff officer ranking as lieutenant, for any neglect of any order of his superior officer, or of any of the duties enjoined on him by law, not less than five, nor more than thirty dollars; on any non-commissioned officer, musician and private, for neglect of any order of a superior officer, or any duty enjoined on him by law, not less than two, nor more than three dollars: *Provided*, That all fines incurred for non-attendance at any muster provided for in this act, are not intended to be included in the foregoing.

SEC. 42. If any non-commissioned officer, musician, private, or bystander, at any officer, regimental, squadron, battalion, or company muster, or parade, or at a meeting of officers authorized or required by this act, shall molest any officer or soldier, when on duty, the command-

ing officer may order and require such person or persons to be put under guard for any time not exceeding six hours, and such non-commissioned officer, musician, or private may moreover be returned by such commanding officer to the next regimental court of inquiry for the assessment of fines, and may be fined in any sum not less than one, nor more than ten dollars, which fine shall be collected and applied as other fines under the provisions of this act.

Sec. 43. That for fines assessed against minors, fathers shall be liable for their sons, and guardians for their wards, to the amount of funds of the wards in their hands; masters for their apprentices; and all property held in common by any society or association whose tenets or rules require a community of property, shall be liable and bound for any and all fines assessed by the provisions of this act against a member or members of such society or association. All costs made by virtue of any suit brought to recover fines of any description, where the state fails, shall be paid out of the military fund of the proper county.

Sec. 44. That in cases of riot or insurrection, if any commandant of any company, squadron, battalion, or regiment, shall refuse or neglect to appear with such military force at the time and place as the proper sheriff of the county, or mayor of the city or village, shall direct, such officer shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, on complaint of said sheriff or mayor, before any court having competent jurisdiction; and every non-commissioned officer, musician, or private, who refuses or neglects to turn out and appear immediately on being notified by any proper officer of his regiment, battalion, or company, shall be fined in any sum not exceeding ten dollars, to be collected as herein provided; the aforesaid fines, when collected, shall go into the military fund: *Provided*, That in all cases of demand or requisition for a military force by the sheriff or mayor, it shall be by application to the superior commissioned officer in rank at the time present in the city or place where such service is required: *Provided, also*, that the volunteer organizations shall be first ordered out.

Sec. 45. Commandants of regiments, battalions, squadrons, or companies, shall have power, and they are hereby required to call out their respective commands for the suppression of riots, and to assist any civil officers in the execution of the laws, when called upon to do so by the proper authorities, and shall be furnished with ammunition, to be paid for out of the county treasury, on the order of the commanding officer of such military force.

Sec. 46. All commissioned and non-commissioned officers, and each and every member of any company, shall receive one dollar per day, or one dollar per night, or two dollars for each day and night together, when serving under the order of a sheriff of their county, or the order of the mayor of their city, or village, to suppress riots, mobs, or to enforce civil law, to be paid out of the county treasury on the order of the said sheriff or mayor aforesaid.

Sec. 47. That for all fines and costs assessed against any person under this act, the real estate and personal property of such person, of every kind, without exception, shall be liable for the payment thereof, and all such fines and costs shall be a lien on such real estate until paid.

Sec. 48. That the surplus of all fines assessed under the provisions of this act, after defraying the expenses of collection, and other expenses as herein provided for, shall be a fund in the hands of the county treas-

Fine in such case \$1 to \$10.

See Sec. 70.

Fathers, guardians and masters liable for fines for minor sons, wards and apprentices.

How costs paid.

Fine of commandant for not aiding with his command to put down riot and insurrection, \$10 to \$100.

Fine of others in like cases, \$10.

Requisition of sheriff or mayor.

Volunteers first.

Commandants call out troops in case of riot, &c.

Ammunition in such case.

Pay, \$1 per day and \$1 per night when serving under call of civil authorities.

Fines a lien on property until paid.

Surplus of fines a trust fund for prop-

er military organization.	urer, in trust for the use and benefit of the respective companies, regiments, squadrons, and battalions, from which it was collected, in proportion to the amount collected from each; and may be drawn on the order of the commandant of the company, regiment, squadron, or battalion, entitled to the same, and expended in such way as a majority of the commissioned officers shall think best for the good of the company, regiment, squadron, or battalion; and the county treasurer shall keep an account with each company, regiment, squadron, and battalion; and in paying any order drawn on him as aforesaid, he shall preserve the order as his voucher in settling with the adjutant of regiments, or other officer; and in all other cases of payment he shall take a receipt, specifying the amount paid, and for what purpose, which receipts he shall file, and enter upon his account, and preserve.
How drawn, and for what expended.	
Co. treasurer keep separate account.	
Militia may be called into service by governor, when.	Sec. 49. That the enrolled militia of this state, or any portion of them, shall be liable to be called into active service by order of the governor, in case of invasion, or to prevent invasion, riot, or insurrection; and any person liable to perform military duty, neglecting or refusing to march as ordered by the proper commanding officer, shall be deemed and treated as a deserter. The militia, while in active service, shall be governed by the military laws of the state, and the rules and regulations of war of the United States: <i>Provided</i> , That the volunteer militia shall in all cases of actual or threatened invasion, riot, or insurrection, be the first military force called for duty or ordered into the field.
When a deserter.	
Articles of war.	
Volunteers called first.	
When troops form brigades and divisions, and how.	Sec. 50. That when two or more regiments of the militia of this state are called into active service, said regiments shall be organized by the commander-in-chief into brigades and divisions; two regiments and not exceeding four shall form a brigade, and two and not exceeding three brigades shall form a division; said brigades and divisions in all cases electing such additional commissioned officers as are usual and necessary for their efficiency and good government; said elections, as far as circumstances will admit of, shall be conducted in accordance with the provisions of this act.
Elections in such case.	
Brig. and div. officers com'd, and for how long.	Sec. 51. All officers elected in pursuance of the provisions of the preceding section, shall, if there is no contest, be commissioned by the governor, as in other cases. All such commissions shall terminate with the cause that called said militia into active service.
Pay in active service.	Sec. 52. When any of the militia of this state shall be called into active service by the governor, in case of invasion, or to prevent invasion, riot or insurrection, they shall receive the same compensation as volunteers in the United States service are allowed, to be paid on the certificate of the governor.
Staff of governor.	Sec. 53. The staff officers of the commander-in-chief shall be of the following: One adjutant-general, who shall rank as brigadier-general; one assistant adjutant-general, who shall rank as lieutenant-colonel; one quartermaster-general, who shall rank as brigadier-general, and perform the duties of commissary-general; and one aid-de-camp, with the rank of colonel. The adjutant-general shall perform the duties of inspector-general; and the aid-de-camp shall perform the duties of judge-advocate-general, and engineer-in-chief.
Their duties;	
And their pay.	Sec. 54. The compensation of the staff officers of the commander-in-chief shall be as fixed by law. The duties of said staff officers shall be such as pertain to their respective positions in said grades in the regular army of the United States, and such other duties as may from time to time be assigned them by the governor.

**Sec. 55.** The commander-in-chief, whenever in his opinion it becomes necessary, may organize a subsistence or commissary department, and for that purpose shall order the quartermaster-general to perform the duties of commissary-general, and may appoint such other assistant commissaries as he may think necessary, or the good of the service may require, with such rank as is conferred on officers of the same station in the army of the United States, and he may also appoint such number of storekeepers and other officers as the good of the service may require, and may order any or all such officers into actual service when their services become necessary; and such other assistant commissaries as may be appointed shall for their services receive a salary not exceeding sixty dollars per month for the time in actual service.

Governor may organize subsistence department.

May appoint assistant commissaries and storekeepers.

Their pay.

**Sec. 56.** The commander-in-chief, when in his opinion it becomes necessary, may complete the organization of the medical department by appointing a surgeon-general, with the rank of colonel, who shall for his services receive an annual salary at the rate of twelve hundred and fifty dollars per annum for the actual time employed: *Provided*, That any pay or emoluments received by said surgeon-general from the United States government, during the time actually employed in the service of the state, shall be deducted from the salary aforesaid.

May organize a medical department.  
Pay and rank of surgeon-general.

**Sec. 57.** Immediately on the passage of this act, the governor shall appoint a medical board, to consist of not less than three skillful surgeons; and no person shall receive the appointment of surgeon or assistant unless he shall have been examined and approved, by said board: *Provided*, That all examinations and approvals heretofore made under any law of the state shall be held to be sufficient under this act. Said board of examiners shall for their services receive at the rate of four dollars per day for the time employed, and shall be entitled to the same mileage as members of the general assembly.

Governor to appoint medical board.  
Surgeons to pass examination.

Pay of examiners.

Mileage.

**Sec. 58.** All the salaries and accounts of the staff and governor shall be countersigned by the governor and paid on his certificate.

Pay acc'ts of gov.'s staff.

**Sec. 59.** That all military commissions issued, except to the staff officers of the commander-in-chief, shall expire in five years from the date thereof: *Provided*, That any officer holding a commission under the provisions of this act, who may be re-elected to the same office, shall retain the same rank as he was entitled to under his former commission: *Provided, also*, That nothing in this act shall be so construed as to disqualify any staff officer, or any officer of the line from holding a commission after he may arrive at the age of forty-five years: *And further provided*, That every officer who shall remove out of the bounds of his command, or who shall be absent from his command six months without leave of the proper commanding officer, shall be considered as having vacated his office, and a new election shall be held without delay to fill the vacancy so created: *Provided*, That nothing in this act shall be so construed or understood as to prevent any appointed officer from being removed from his office whenever, in the opinion of the officer appointing him, he shall deem it advisable so to remove him.

Commissions run five years, except.

Rank retained.

Officer absent or out of bounds, forfeit commission, when.

Staff officers removable at pleasure.

**Sec. 60.** That the uniform of all volunteer companies and batteries now organized or hereafter to be organized, and officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed for the United States army for the time being, except the coat of arms, which shall be that of the state of Ohio: *Provided*, That every commissioned and staff officer shall uniform themselves within four months from the date of his or their commissions, and every non-commissioned staff

Uniform to be that of U. S. for time being.

Time allowed to uniform.



Arms, ordnance and military stores taken care of and controlled by Q. M. Gen. subordinate to governor. He to certify accounts, governor to countersign. Governor to arm volunteers—rules.

Interference with, or unlawful use of arms, ordnance or military stores, armory or arsenal, \$500 fine and three months imprisonment.

Governor to provide camp equipage for encampments. Allowance for musical instruments.

Bands, how formed.

Custodians of property to give bond.

Officer musters and encampments to be held annually not over eight days. Forces from different counties may be joined, non-commissioned officers may be included. Thorough instruction required.

officer shall uniform himself within four months from the date of his appointment, and every member of any volunteer company shall uniform himself within four months from the date of the organization of such company, or from the date when he attached himself to such company.

Sec. 61. All public arms, ammunition, accoutrements, camp equipage and military stores belonging to the state, shall be subject to the control of the quartermaster-general, in accordance with the orders of the governor; and it shall be the duty of the quartermaster-general to see that all arms and munitions of war now belonging to the state, or which may hereafter in any manner be acquired, are properly cared for and kept in good order for use. All accounts accruing against the state under the provisions of this section shall be paid on the certificate of the quartermaster-general, countersigned by the governor.

Sec. 62. Each company of the volunteer militia organized under the provisions of this act, shall be furnished with such arms and equipments as shall be determined by the governor, under such rules and orders as he may prescribe.

Sec. 63. Any person found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any of the arms, accoutrements, camp equipage or munitions of war belonging to the state of Ohio, or who shall in any way wilfully injure any of the same, or any arsenal or armory now belonging to or rented by the state, or owned or rented by any company, battalion, or regiment organized under the laws of this state, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or shall be imprisoned in the county jail for the term of not more than three months, or both, at the discretion of the court.

Sec. 64. It is hereby made the duty of the governor to provide the proper camp equipage for all military encampments held under the provisions of this act.

Sec. 65. Each company organized under the provisions of this act shall be entitled to receive from the proper military fund in their respective counties, the sum of five dollars for the purchase of musical instruments for martial music, and none other, except the bugle, shall be used by any of the military organizations of this state, and from the company bands within his district the commandant of any regiment or battalion may select a sufficient number for a regimental band.

Sec. 66. All persons who by this act are placed in charge of public property for safe keeping, or money for disbursement, shall give bond with security to the satisfaction of the governor, for the faithful performance of their duties.

Sec. 67. For the purpose of improving the discipline and military education of the military forces to be organized under this act, there shall be held, once in each year, a muster and encampment, of not exceeding eight days duration, of all commissioned officers belonging to the several military organizations of this state, at such times and places, within their respective counties, and in such numbers as the commander-in-chief shall direct: *Provided*, That when the good of the service shall require, the officers and non-commissioned officers from two or more counties may be joined in such encampment and muster, and while thus assembled, they shall be formed into corps of instruction, without regard to rank, and shall be thoroughly instructed and drilled in the manual of arms and in the most essential parts of the school of the soldier, company and battalion, and in such other theoretical and practical details, appropriate to each arm, as will tend to the greater efficiency, and shall be

subject to the regulations and articles of war for the government of the armies of the United States; that the commander-in-chief shall select and detail an officer as commandant and instructor for every such muster and encampment, who is thoroughly qualified for the duty, and shall cause the adjutant-general to prepare and have printed, and forwarded to each commandant of regiment, battalion, company, and battery, on or before the first day of April in each year, after the present, a sufficient number of copies of a general order, containing a series of lessons, with a schedule of roll-calls, and the hours and order of service, to be distributed to all who are required to attend such encampment and muster, and every officer receiving such copies for distribution shall promptly deliver them to those for whom they may be intended: *Provided*, That for the present year, such general order shall be distributed as promptly and as rapidly as the state of the organization in the respective counties will permit. A sufficient number of musicians for each arm of the service shall be detailed for duty at every such encampment. The commandant at each officer muster shall require the officers and non-commissioned officers in attendance to recite and drill the prescribed lessons, in such manner as shall be best calculated to promote thorough discipline and impart to those under his command the greatest amount of practical military knowledge and efficiency. During the last two days of such encampment the entire strength of every volunteer organization, within the district represented at such encampment, shall attend the same, and diligently participate in the prescribed drill and instructions.

SEC. 68. All officers, non-commissioned officers, musicians and privates, required to attend such officers' muster, shall be entitled to transportation between the place of their respective residences and such muster, to go and return, and to be provided by the quartermaster-general on the most direct route by railroad, and if in any case there be no direct route by railroad, then transportation shall be computed by the most direct route on the common road, at the same rate per mile as shall be paid for railroad transportation by the state for the time being.

SEC. 69. The time and place for each officer muster and encampment shall be announced in a general [order,] to be published at least six weeks before any such muster is to be held, and thereupon the quartermaster-general shall immediately advertise, for a period of ten days, in one paper in each military district, designated by the order, inviting sealed proposals separately for each encampment, to provide rations during the continuance of such muster, for all who are required to attend the same; said rations to be the same in every particular as are prescribed for the armies of the United States; and upon the opening of such proposals the quartermaster-general shall proceed to make written contracts, in duplicate, separately as to each encampment, with the lowest responsible bidder, or bidders, for all the rations so required, and such rations shall be issued in the usual mode, upon requisitions, to be approved by the commandant of the encampment, and the amount thus issued shall be apportioned by the quartermaster-general and commandant of the encampment, rateably, among the several counties represented at such encampment, in proportion to the number from each county so subsisted, and the amount so found to be due from each county to the contractor, or contractors, shall be certified by the quartermaster-general and such commandant, and on the production of such certificate to, and filing the same with the county auditor of the proper county, he shall give the holder of such certificate an order for the proper amount on the treasurer of his county, payable out of the proper fund.

U. S. army regulations and articles of war in force. Governor to select and detail commandant and instructor.

Adjutant-general to issue order prescribing lessons, etc., before 1st April after 1863.

How distributed.

See sec. 41.

Time of order for 1863.

Musicians detailed.

Mode of instruction.

Volunteers to attend two last days of officers' muster.

All who attend officer musters entitled to transportation from Q. M. General.

General order to issue six weeks before each officer muster, fixing time and place.

Q. M. General to advertise for subsistence.

Rations same as U. S. army.

How rations issued.

Apportioned pro rata to different counties.

Paid for out of county military fund.

Fine at officer muster is by the day. See Secs. 32 and 36.

Adjutants to make records and obey orders.

When absent, another officer detailed.

Adjutant-general to furnish blank forms and render system complete as far as practicable.

To keep records and papers, and make annual reports.

2,000 copies of this act, with forms, to be sent to counties for distribution. See Sec. 41.

Breaking and entering arsenal, &c., is burglary.

\$10,000 appropriated for transportation

Acts repealed.

**Sec. 70.** Every commissioned or non-commissioned officer or member of any volunteer company neglecting or refusing to attend such encampment and muster, shall be fined as provided in section forty-two, and all fines assessed under the provisions of this section shall be reported to the annual court of inquiry provided for in this act, by the commandant of any such encampment and muster.

**Sec. 71.** The adjutants of regiments, squadrons and battalions shall attend to and record all returns from the commandant of regiments, squadrons and battalions, and record the same in a book to be provided for that purpose, and shall perform such other duties as may, from time to time, be required of them by the commandants of their regiments, squadrons and battalions: *Provided*, That when any adjutant shall be absent in command, the commanding officer shall appoint a suitable person to perform the duties of adjutant.

**Sec. 72.** That the adjutant-general of the state shall furnish to the commandants of regiments and volunteer companies, blank forms of rolls, bonds, and of the different returns that may be required, and from time to time explain the principles on which they should be made, together with such general regulations, concerning the organization and government of the militia, as will better promote the discipline and order thereof, and supply such practical details as are needed to make that organization systematic and complete. He shall also keep the records, volumes and papers of that department in an office at the state-house, and make annual reports of all matters coming within his department, which report shall be submitted to the governor before each meeting of the general assembly.

**Sec. 73.** The commander-in-chief shall cause two thousand copies of this act to be printed in book form, which books shall have attached to them all the necessary forms by which all returns shall be made of companies, regiments, squadrons, or battalions, also, brigades and divisions; which pamphlets shall be distributed and forwarded to the county seats of the several regiments and volunteer companies, as other laws are, and in due time to be directed to the commandants of said regiments and companies, who shall be bound to receive and distribute the same as circumstances may require.

**Sec. 74.** Any person unlawfully breaking and entering in the day or night season, any arsenal, store-house, or other building where military property of this state, or of the United States, is kept, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished as for burglary.

**Sec. 75.** For the expenses of transportation to and from camps of instruction, there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of ten thousand dollars.

**Sec. 76.** That the act entitled "an act to organize and discipline the militia and volunteer militia," passed March 28, 1857; the act entitled "an act to amend an act passed March 28, 1857, entitled an act to organize and discipline the militia and volunteer militia," passed April 12, 1858; the act entitled "an act for the further organization and discipline of the militia and volunteer militia," passed March 26, 1859; the act entitled "an act further to provide for the care and distribution of the public arms," passed March 4, 1859; the act entitled "an act to appropriate the proceeds of the sale of old arms heretofore collected, to the purchase of a site, and the erection of a state arsenal thereon," passed March 24, 1859; the act entitled "an act to organ-

ise and regulate an independent militia," passed March 23, 1859; the act entitled "an act to encourage and secure the safe-keeping of the public arms in the hands of volunteer companies," passed April 12, 1861; the act entitled "an act to enroll the militia of the state," passed April 12, 1861; the act entitled "an act to amend the act entitled an act for the further organization and discipline of the militia and volunteer militia, passed March 23, 1859," passed April 13, 1861; the act entitled "an act relating to the militia of Ohio mustered into the service of the United States, under any requisition of the president thereof," passed April 17, 1861; the act entitled "an act to provide more effectually for the defense of the state against invasion," passed April 26, 1861; the act entitled "an act relating to uniforms of the militia," passed May 13, 1861; and sections two, three, four, and five of the act entitled "an act to amend sections thirty-four, forty-one, sixty-five, and sixty-six of the act to organize and discipline the militia and volunteer militia," passed March 28, 1857, passed May 1, 1862, be and the same are hereby repealed: *Provided, however*, that any action which may have been commenced, or any right of action which may have accrued, or any penalty which may have been incurred under any of said acts or parts of acts so repealed, may hereafter be prosecuted according to the provisions thereof as fully as if said acts or parts of acts had not been repealed.

Sec. 77. This act shall take effect immediately after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 14, 1863.

#### AN ACT

To amend an act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862. 59 O. L. 72.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, be amended so as to read as follows:

"There shall hereafter be levied, annually, by the constituted authorities of each incorporated village and city, for village and city purposes, not including taxes for school and school-house purposes, nor for the payment of the interest and the principal of the debts of such village or city, upon each dollar of the taxable valuation of property in such village or city, in lieu of the taxes heretofore authorized by law, such rate of taxes as may be determined upon by said authorities respectively, and certified to the county auditor to be necessary, not exceeding the following rates, that is to say: For each incorporated village, one mill; for each city of the second class, two mills; for each city of the first class, having a population less than one hundred thousand inhabitants, four mills; and for each city of the first class, having a population exceeding one hundred thousand inhabitants, five mills; and all cities and incorporated villages in which gas works and fixtures or water works have been, or

Rates of taxation for village and city purposes.

may hereafter be erected, may make a further assessment of not exceeding three-fourths of one mill on the dollar, for aid in lighting and supplying with water such cities and incorporated villages: *Provided*, That the aforesaid limitation shall not be construed as prohibiting assessments on property adjacent to local improvements made in any city or incorporated village, for the purpose of paying the cost thereof and the damages occasioned thereby."

Sec. 2. That section five of the act aforesaid be and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 14, 1868.

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#### AN ACT

To fix the fees of the clerks of courts for making up and completing general indexes.

Fees for indexing. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the clerks of the several common pleas, superior, district and supreme courts of this state, shall receive for their services for making up and completing general indexes, direct and reverse, of all judgments, final orders and decrees rendered or made by said courts, fifteen cents for each case so indexed, the same to be taxed in the cost of the suit.

Act repealed. Sec. 2. That "an act to amend the act entitled an act to amend the act entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties of this state, passed March 16, 1836, and for other purposes, passed January 26, 1838," passed March 16, 1839, be and the same is hereby repealed.

Sec. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 14, 1868.

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#### AN ACT

69 O. L. 89. To amend section three of the act passed May 1, 1862, supplementary to an act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the act passed May 1, 1862, supplementary to an act entitled an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money, passed April 5, 1869, be amended so as to read as follows:

Section 8. It shall be the duty of each board to meet annually in the month of May in the present and each succeeding year, at such times as the president thereof may appoint; and if no meeting is appointed by him before the second Tuesday in May, the several county auditors shall meet on that day in the place where the proper railroad for which said auditors constitute the board as aforesaid, has its principal office, or in the principal city or village upon the line of such road, as the case may be, and proceed to ascertain all the personal property, which shall be held to include road-bed, water and wood stations, and such other realty as is necessary to the daily running operations of the road, moneys and credits of such company, and the undivided profits, reserved or contingent fund of said company, whether the same may be in money, credits, or in any manner invested, and the actual value thereof in money. Such boards shall have power to require from the president, secretary, treasurer, receiver, and principal accounting officer of such road, a detailed statement, under oath, of all the items and particulars constituting such property, moneys and credits, and the value thereof, and may examine the books and papers of such road, and any or all of its officers, receivers, servants or agents, under oath, touching any matter relating to the same. Any county auditor present at such meeting is authorized and empowered to administer such oath. It shall be the duty of said board of appraisers and assessors to report annually, in the month of June in each year, to the auditor of state, the amount assessed upon each railroad company, specifying the total sum, and amount distributed to each county; which shall be by the auditor of state communicated to the general assembly, with his annual report, in tabular form.

Board to meet annually in May.

Duties of board.

SEC. 2. That section three of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

April 14, 1863.

#### AN ACT

To amend section nine of the act entitled "an act securing the benefits of the writ of habeas corpus," passed February 22, 1811. Sw. & Cr. 681

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nine of the act entitled "an act securing the benefits of the writ of habeas corpus," passed February 22, 1811, be amended so as to read as follows:

Sec. 9. That no citizen of this state, being an inhabitant or resident within the same, shall be sent prisoner to any place whatsoever, out of this state, for any crime or offense committed within this state, and every such imprisonment is hereby declared illegal. And if any such citizen shall be so imprisoned, he may, for every such imprisonment, maintain an action for false imprisonment, in any court having cognizance thereof, against the person or persons by whom he shall be so

Citizens not to be sent out of the state for crimes committed in it. Remedy and penalty.

But fugitives from other states may be sent out of the state.

Exception as to persons arrested in pursuance of law, treaty, &c., of the United States.

No action for arrest or transportation in time of war, &c.

imprisoned or transported, contrary to the intention of this act, and against any person who shall contrive, write, seal, sign, or countersign any writing for such imprisonment or transportation, or shall be aiding or assisting in the same or any of them, and shall recover treble costs, besides damages; which damages so to be given, shall not be less than five hundred dollars; and every person knowingly concerned in any manner as aforesaid, in such illegal imprisonment or transportation, contrary to this act, and being thereof lawfully convicted, shall be disabled from thenceforth to bear in any office of trust or profit within this state: *Provided*, That if any citizen of this state, or person or persons, at any time resident in the same, shall have committed, or be charged with having committed any treason, felony, or misdemeanor, in any other part of the United States or territories, where he or she ought to be tried for such offense, he, she, or they may be sent to the state or territory having jurisdiction of the offense: *And provided, further*, That no person who may be arrested or transported out of this state in pursuance of any law or treaty of the United States, or decision, sentence or judgment of any court of the United States, or who may be arrested or transported out of this state in pursuance of any maritime law or usage, nor who may be arrested or transported out of this state in time of war or rebellion, in pursuance of any military order of the president of the United States, shall have or maintain any action for such arrest or transportation, in any court of this state, in pursuance of this act or otherwise.

SEC. 2. That said original section nine be and the same is hereby repealed, and this act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate,*

*after the adjournment of the Senate.*

April 14, 1863.

## AN ACT

For the relief of discharged Ohio soldiers.

Governor to appoint military claim agents.

Duties of said agents.

Their bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor, with the advice and consent of the senate, is hereby empowered to appoint such number of military claim agents as the good of the service may require, not exceeding six, under such regulations as he may prescribe, who shall hold their offices for the term of one year, at the pleasure of the governor.

SEC. 2. It shall be the duty of said agents to investigate, give advice and take such other action as will enable the discharged Ohio soldier speedily to obtain, free of charge, the money due him from the general government for such services as he may have rendered his country; and to perform such other duties in behalf of the Ohio soldier as the governor shall direct.

SEC. 3. Said agents are hereby required to give bonds as shall be directed by the governor; and for the faithful performance of their duties, shall receive the sum of twelve hundred dollars per annum, to be paid upon the certificate of the governor.

SEC. 4. That there be, and hereby is appropriated from any money Appropriation in the state treasury for general revenue purposes, the sum of seven thousand and two hundred dollars for the payment of the salaries of said agents; and the state agent at Columbus is hereby authorized to Safe. retain and keep the safe now in the office of the state claim agent, for the use of the agents appointed under this act.

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*

P. HITCHCOCK,  
*President pro tem. of the Senate,  
after the adjournment of the Senate.*

April 14, 1863.

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OFFICE OF SECRETARY OF STATE, }  
*Columbus, Ohio, April 25, 1863.*

I certify the foregoing general acts to be correctly copied from the original rolls, filed in this office. The last two were signed by Mr. Hitchcock, as set forth by him, after the adjournment of the Senate. The question of their validity is for the Courts to determine.

W. W. ARMSTRONG,  
*Secretary of State.*



## LOCAL AND SPECIAL ACTS.

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### AN ACT

To annex Anderson township, of Hamilton county, to Clermont county, for agricultural purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That Anderson township, of Hamilton county, be and the same is hereby annexed to Clermont county, for the encouragement and improvement of agriculture; and that residents of said township may become members of the Clermont county agricultural society, organized and acting under "an act for the encouragement of agriculture," passed February 28, 1846, and the acts amendatory thereof, and enjoy all the rights, privileges and immunities of members of such society resident in said county of Clermont, any law to the contrary notwithstanding.*

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

January 14, 1863.

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### AN ACT

To authorize the incorporated village of Mount Gilead, Morrow county, Ohio, to borrow money to purchase a fire engine for the use of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the mayor of the incorporated village of Mount Gilead, in the county of Morrow, and state of Ohio, by and with the consent of the common council of said incorporated village, is hereby authorized to borrow money, not to exceed twelve hundred dollars, at a rate of interest not to exceed seven per cent. per annum, for the purpose of purchasing a fire engine for the use of said village.*

SEC. 2. The common council of said incorporated village shall, annually, in the years A. D. 1863 and A. D. 1864, levy a tax sufficient to pay the interest and the one-half of the principal of said sum so borrowed, and if, from any cause, said council shall refuse or neglect to levy said tax by the first day of June in each of the years as specified above, it is hereby made the duty of the auditor of said county to levy said tax on all the taxable property, both real and personal, within the limits of said incorporated village, and place the same on the duplicate.

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate*

January 31, 1863.

## AN ACT

To extend the time of payment for school lands in Marion county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of six years, from and after the day the respective installments have or may become due from the purchasers of the school lands in Montgomery township, Marion county, being township five south, of range thirteen, be and the same is hereby given for the payment of the principal of the purchase money: *Provided*, That the interest and taxes accruing thereon shall be punctually paid as the same become due, according to law: *And provided further*, that the auditor of said county of Marion may require additional security for the payment of the arrears of principal and interest, if, in his opinion, the public safety requires it.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

February 18, 1863.

## AN ACT

Supplementary to an act passed March 18, 1837, to incorporate the Muskingum College.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Muskingum College shall consist of fifteen members, with power to increase the number to twenty-one: *Provided*, That not more than seven of these shall be ministers of the gospel.

SEC. 2. That the present acting board of said college, to wit: H. P. McClurkin, John Patterson, James P. Lytle, Samuel Harper, William Gault, Robert Spear, David Wallace, James B. Murch, William Wylie, Isaac Storer, Samuel Hadden, David Stoimert and Ezra Lyle, shall have power to elect suitable persons to fill the said board, in accordance with section first of this act, in whatever method they may deem best for the interest of sound learning; and that the board, as constituted by this act, shall have power to fill all vacancies hereafter occurring therein, in such manner as may, in their judgment, seem best.

SEC. 3. That nine members being present at any meeting, shall constitute a quorum: *Provided*, That written or printed notices of said meeting shall have been sent to all the members at least three days previous to said meeting: *And provided further*, that no act of any minority, effecting the tenure or disposition of property or funds, or the tenure of professorship, shall be permanently binding until ratified by the votes of the majority of the whole board sitting in session.

SEC. 4. That so much of the aforesaid act as may conflict with this is hereby repealed.

SEC. 5. This act to take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 3, 1863.

## AN ACT

For the relief of individuals leasing certain lands.

WHEREAS, By an appraisalment of lots Nos. 1, 2 and 3 of the subdivision of section 29, township 3, range 11, of the Ohio company's purchase, in May last, an error intervened whereby said appraisalment renders the rents to be paid by the lessees thereof oppressive, and there being no authority to authorize a re-appraisalment of the same, in less than fifteen years, without great expense : therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the lots Nos. 1, 2 and 3, of the subdivision of section 29, range 11, of original surveyed township No. 3, Meigs county, Ohio company's purchase, shall be subject to re-appraisalment, and it shall be the duty of the legally constituted appraisers of the township in which the above described lands are situated, to meet within 20 days of the time they are notified by the lessees, and make a re-appraisalment of said lands: *Provided*, Nothing in this act shall be so construed as to impair the validity of any existing law regulating the re-valuation of ministerial lands.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 11, 1863.

## AN ACT

To authorize the board of education of school district number one, of Scioto township, in the county of Ross, to transfer certain moneys from its contingent, to building fund, and use the same for building purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of school district number one, of Scioto township, in the county of Ross, be and the same is hereby authorized and empowered to transfer to its building fund, and use for building purposes, from its contingent fund now accumulated, any sum not exceeding one thousand dollars, to be used, by said board of education, for the purpose of repairing and enlarging the school buildings of said district.

SEC. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 13, 1863.

## AN ACT

Authorizing the county commissioners of Guernsey county, Ohio, to extend relief to Preston Wilson, out of money paid into the treasury of said county by the bondsmen of Wm. McManaway.

WHEREAS, On or about the 10th day of December, 1862, one Wm. McManaway, of Guernsey county, in the state of Ohio, was then and there charged with stealing or purloining from one Preston Wilson, of said county of Guernsey, the sum of two

hundred and eighty dollars in bills on sundry banks; and whereas, the said Wm. McManaway did, on or about the time specified, enter into a recognizance for his appearance at the next term of the court of common pleas, in and for said county, in the sum of five hundred dollars, which amount he, the said Wm. McManaway, deposited with his bondsmen as surety for his appearance; and whereas, the money so deposited is represented to have included said two hundred and eighty dollars; and whereas, said Wm. McManaway did fail to appear and answer to the charge against him in said court of common pleas, and being in default as aforesaid, therefore his bond became, and was forfeited, and the amount thereof has been paid into the county treasury of said Guernsey county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Guernsey county, Ohio, be and they are hereby authorized to draw an order upon the county treasurer of said county, in favor of Preston Wilson, for the sum of two hundred and eighty dollars, to be paid out of moneys paid into the treasury of said county by the bondsmen of Wm. McManaway.

SEC. 2. This act to be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 13, 1868.

#### AN ACT

To refund to William Trevitt the amount paid by him to the state of Ohio, on lands to which the state had no title.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the sinking fund are hereby directed to issue, in the usual form, to William Trevitt, of the city of Columbus, a bond dated July 1, A. D. 1862, and bearing interest at the rate of six per cent. per annum, payable semi-annually, and redeemable and payable at the same time and in the same manner as is provided by the "act to fund the public debt of the state of Ohio, which was redeemable at the pleasure of the state after the first of January, 1861," passed March 28th, 1862, for four hundred and twenty-four dollars, and that said bond be delivered to said William Trevitt or his representative, upon the release to the state of Ohio of any claim he may have acquired in or to the west half of the south-east quarter of section nineteen, town six north, of range four east, it being the same that was transferred by the state of Ohio to said Trevitt, by deed bearing date August fifth, A. D. 1862.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 16, 1868.

#### AN ACT

To authorize the city council of the city of Zanesville to construct a market-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the city council of the city of Zanesville, Ohio, to cause to be

constructed in said city, a market-house, provided the cost of construction shall not exceed the sum of twelve thousand dollars; and the said city council is hereby authorized, in addition to its other powers of taxation, to levy a tax to construct said building, on the property, real and personal, subject to taxation in said city, not exceeding the sum of three thousand dollars for each year for the period of four years.

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

March 21, 1863.

#### AN ACT

To amend the act entitled "an act further to amend the several acts establishing the Miami University," passed February 5, 1819, and to repeal "an act to amend the act entitled an act further to amend the several acts establishing the Miami University," passed February 7, 1848. (O. L. L. vol. 17, page 131—vol. 46, page 88.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the "act further to amend the several acts establishing the Miami University," passed February 5, 1819, be so amended as to read as follows:

Section 1. It shall be lawful for any qualified elector of this state to be appointed to and fill the office of trustee of the Miami University: *Provided*, That not more than two of such trustees shall reside within the township in which said university is established.

Section 2. The president of said university, the trustees, and other officers of the same, who may hereafter be appointed, shall, previously to entering upon the duties of their respective offices, severally make an oath or affirmation, faithfully and impartially to discharge the same, and to support the constitution of the United States and the state of Ohio, which oath or affirmation may be administered by the president of the board of trustees. And the president of said board of trustees shall have power to administer all oaths or affirmations deemed by said board to be necessary for the faithful execution of the laws and ordinances of the said university.

Sec. 2. That the "act further to amend the several acts establishing the Miami University," passed February 5, 1819, and "the act to amend the act further to amend the several acts establishing the Miami University," passed February 7, 1848, be and the same are hereby repealed, and this act shall take effect from its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

March 24, 1863.

#### AN ACT

To amend an act passed January 29, 1846, "to incorporate the Urbana, Mechanicsburg, and Jefferson Turnpike Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five (5) of said act be so amended as to read as follows:

Sec. 5. The said company shall have power to charge and collect toll at the same rates as shall at the time be charged and received by the Clarke and Union Turnpike Company.

Sec. 2. That said original section five is hereby repealed, and this act shall take effect upon its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 25, 1863.

#### AN ACT

To amend the act entitled "an act supplementary to an act to confirm the charter of the Covington and Cincinnati Bridge Company," incorporated by an act of the general assembly of Kentucky, passed February 17, 1846, with certain limitations, passed March 9, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the Covington and Cincinnati Bridge Company, as incorporated by the laws of Kentucky, is hereby authorized to construct a bridge across the Ohio river, under the provisions of the act to confirm the charter of said bridge company, with certain limitations, passed March 9, 1849: Provided, That the said bridge may be of less span than fourteen hundred feet, but shall not be of less span than one thousand feet: Provided, further, that the height of said bridge in the center, shall not be less than one hundred feet above the surface of the water at low water-mark: And provided also, that the southern side of the northern tower of said bridge shall be at least twenty-five feet north of the line of low water-mark on the Ohio side.*

Sec. 2. That the act of the general assembly, passed March 29, 1856, to which this is an amendment, is hereby repealed. It is furthermore provided, that in order to facilitate the grade of said bridge, the said company shall make the south line of Front street, in the city of Cincinnati, the northern terminus of said bridge, and shall also carry its passages or ways, approaching the said bridge, across Water street, in the said city, over an arch across said street, according to the terms and provisions of section one of an act entitled "an act to amend the act confirming the charter of the Covington and Cincinnati Bridge Company," passed March, 20, 1850.

Sec. 3. There shall never be charged a higher rate of tolls for the crossing of said bridge than fifteen per cent. less than was charged on the 3d day of March, 1863, for the ferriage of like property, persons, and articles, by the ferry-boats, now plying on the Ohio river as ferry-boats, in the vicinity of the site of said contemplated bridge, and provided the assent of said bridge company to the provisions of this section shall be communicated to the city council of the city of Cincinnati, within sixty days from the passage of this bill.

Sec. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 31, 1863.

## AN ACT

To authorize the infirmiry directors of Scioto county to borrow three thousand dollars for the relief of the paupers in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the infirmiry directors of Scioto county, Ohio, are hereby authorized to borrow a sum of money not exceeding three thousand dollars, at a rate of interest not exceeding six per cent. per annum, to pay the expenses of carrying on the infirmiry of said Scioto county, and for the support and maintenance of the paupers of said county, between the date thereof and the time when money shall be realized by taxation for the purpose of carrying on said infirmiry, and the support and maintenance of the paupers of said county, at the December collection of taxes, 1863; and the commissioners of Scioto county are hereby authorized to levy a tax on the grand duplicate of Scioto county, for the year 1863, sufficient to pay the money borrowed under authority of this act.

Sec. 2. That to secure the payment of said money, the auditor of said county of Scioto shall issue the bond of said county for the said sum of money borrowed by said infirmiry directors, to the party from whom the same is borrowed, and payable on or before the first day of January, 1864, which said bond shall be signed by the auditor, and said sum of money shall be paid by said infirmiry directors to the party from whom they may borrow the same, out of the infirmiry fund hereafter to be levied and collected for said Scioto county.

Sec. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 31, 1863.

## AN ACT

To authorize the town council of the incorporated village of Greenfield, in the county of Highland, state of Ohio, to appropriate certain moneys named therein.

WHEREAS, There is now in the treasury of the incorporated village of Greenfield, a sum of money—upwards of two thousand dollars—which was heretofore levied and collected with a view to erecting a town hall in said village; and

WHEREAS, Said sum is largely insufficient for said purpose, and the law authorizing a further levy for said purpose having been repealed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of the incorporated village of Greenfield, in the county of Highland, state of Ohio, be and they are hereby authorized and empowered to appropriate and pay, out of any moneys now in the treasury of said village, which have heretofore been levied and collected for the purpose of erecting a town hall in said village, the sum of two thousand dollars, to be applied to the improvement of the streets of said village, at the discretion and under the control of said town council.

Sec. 2. That said town council are hereby authorized and empowered to appropriate the residue of the said town hall fund, now in said treasury, to contingent purposes for the benefit of said incorporated village.

Sec. 3. This act shall be in force and effect from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 31, 1863.

## AN ACT

To refund certain moneys on over-payment of school lands in Stark county.

**WHEREAS**, Milly Ann Johnson, the purchaser of certain lands in the county of Stark, belonging to fractional township No. 3, in range No. 1, in Jefferson county, paid into the treasury of Stark county the sum of one hundred and fifty-seven dollars and forty-eight cents more than the purchase price of said lands and the interest thereon, which said sum of one hundred and fifty-seven dollars and forty-eight cents, has been by the treasurer of Stark county paid into the state treasury and credited to the sinking fund, and has also been credited by the auditor of state to said fractional township, as a part of the irreducible debt of the state; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio*, That there be, and hereby is appropriated of the sinking fund, the sum of one hundred and fifty-seven dollars and forty-eight cents, to refund to the said Milly Ann Johnson, the over-payment so as aforesaid made by her; and that the auditor of state charge the same against the same fractional township 3, in range No. 1, in Jefferson county, in the same account where the credit of said money was made.

**SEC. 2.** This act shall take effect on its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 2, 1863.

## AN ACT

To authorize the boards of education of Clarington special school district, in the town of Clarington, Monroe county, and school district No. nine, in the incorporated village of Findlay, Hancock county, Ohio, to issue bonds to raise money to purchase sites and build school-houses in said districts.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Clarington special school district, in Monroe county, and the board of education of school district number nine, in the incorporated village of Findlay, Hancock county, Ohio, organized under a law passed February 8, 1847, entitled "an act for the support and better regulation of common schools in the town of Akron," and the amendment thereto, passed February 21, 1849, entitled "an act for the better regulation of the public schools in cities, towns," &c., for the purpose of raising money to build a school-house in each of said districts, are each hereby separately authorized to issue bonds, not exceeding the sum of five thousand dollars for each of said districts, and in bonds not less than fifty dollars, and not exceeding one thousand dollars each, said bonds bearing a rate of interest not exceeding six per cent. per annum, payable semi-annually; the principal of said bonds to be made payable at such times and in such proportions as said boards of education may respectively stipulate therein: *Provided*, That no part of said principal shall be made payable in less than three years from the date of each of said bonds.

**SEC. 2.** That said bonds shall be issued upon the order of the respective boards of education, and shall be signed by the respective presidents and secretaries of said boards, and shall be made negotiable, and may have such coupons or interest warrants attached thereto as said boards of education may respectively direct: *Provided*, That said bonds shall not be disposed of for less than their par value.

**SEC. 3.** That said boards of education are each hereby authorized to levy, an-



nually, upon the taxable property within their respective districts, such sum as will enable them to redeem the bonds issued in accordance with the provisions of this act, within eight years, and certify such annual levies to the auditors of their respective counties.

Sec. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 3, 1863.

#### AN ACT

To amend an act entitled "an act to incorporate the trustees of the Ohio Female College, at College Hill, in Hamilton county," passed February 19th, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of an act entitled "an act to incorporate the trustees of the Ohio Female College, at College Hill, in Hamilton county," passed February 19th, 1851, be so amended as to read as follows:

Sec. 3. That the corporators hereinbefore mentioned shall constitute a board of trustees, with power to choose one of their number to act as president; and when a vacancy shall happen by resignation, death, or otherwise, then the said trustees or such number of them as may be required by the by-laws, shall fill the vacancy or vacancies that may so happen, whether in the office of president or trustee, and the number of said board of trustees shall never be permitted by them to become less than five.

Sec. 2. That said original section three, be and the same is hereby repealed.

Sec. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 8, 1863.

#### AN ACT

For the relief of David E. Stathem, treasurer of Green township, Hamilton county.

WHEREAS, David E. Stathem, treasurer of Green township, Hamilton county, is, and has been for several years, indebted to the township and school funds of said township, in the sum of two thousand dollars, which indebtedness occurred through the failure of certain banking houses in the city of Cincinnati, in the year 1854, with whom said Stathem had deposited said funds; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees and board of education of Green township, Hamilton county, are hereby empowered at their discretion to release David E. Stathem, treasurer of said township, and his sureties, from the payment of the sum of two thousand dollars, which amount said Stathem is indebted to the township and school funds of said township, on condition that said David E. Stathem shall transfer unto the said trustees and board of

education, the following assets, received by him in lieu of payment of the money deposited by him in the banking house of Ellis & Sturges, viz: three bonds of the Hillsborough & Cincinnati railroad company, of the denomination of one thousand dollars each (interest unpaid since July 1st, 1857), and Ellis & Sturges' certificate of deposit for one hundred and fifty dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 7, 1868.

### AN ACT

To provide for the removal of the seat of justice of Fulton county, Ohio, from the town of Ottokee to the town of Wauseon, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the taking effect of this section of this act, as hereinafter provided, the seat of justice, in the county of Fulton, shall be removed from the town of Ottokee, and shall be permanently fixed, until otherwise provided by law, at the town of Wauseon, in said county.

SEC. 2. That the foregoing section of this act shall take effect and be in force when and so soon as the same shall be adopted by a majority of all the electors of said Fulton county, voting at the next general election after the passage thereof, as hereinafter provided.

SEC. 3. That the electors of said Fulton county, at the next general election after the passage of this act, shall indorse, or otherwise place on their tickets, either the words "for removal," or "against removal;" and if a majority of all the electors of said Fulton county, voting at said election, shall vote "for removal," the first section of this act shall thereupon be considered and holden to be adopted by such majority: *Provided*, That all tickets upon which the words "for removal" shall not be endorsed, or otherwise placed, shall be taken and considered as votes against removal, as fully as though the words "against removal" were indorsed or otherwise placed thereon.

SEC. 4. That the judges and clerks of election in the several townships in said county, at the said general election, shall cause all the votes that may be so given for removal, or against removal, to be correctly counted, in the same manner that other votes are by law required to be counted; in doing which, all tickets upon which the words "for removal" shall not be endorsed, or otherwise placed, shall be counted as votes against removal, as fully as though the words "against removal" were indorsed, or otherwise placed thereon; and they shall enter and certify in the poll-books respectively, of said general election, the number of votes so counted for removal, and the number so counted against removal, which poll-books shall be returned and opened, as required by the acts regulating said general elections, and the opening of the returns thereof; and the officers opening the returns of said election, shall, at the same time that they make, certify, and sign the abstracts required by law, also make, certify, and sign a separate abstract of all the votes so returned for removal or against removal, showing the number so given in each township, and the footings, or aggregate numbers so given in all the townships, which abstract shall be forthwith deposited in the clerk's office of said county; and shall be forthwith recorded by the clerk in the journal of the court of common pleas of said county, which record, or duly certi-

ried copy thereof, shall be taken and received as legal evidence for all purposes of the result of said election.

SEC. 5. It shall be the duty of the sheriff or coroner, as the case may be, to cause proclamation to be made to the qualified voters of said county, in the same manner and at the same time as by law he is required to do in other elections, notifying said electors to vote as aforesaid upon the question by this bill submitted to them: *Provided, however*, that the omission to publish such proclamation shall not be deemed to impair the validity of any returns that are made in pursuance of section four of this bill; and that in such case the judges of elections shall nevertheless return a statement of the votes for and against said removal as hereinbefore provided.

SEC. 6. The sections of this act subsequent to the first section, shall take effect and be in force on the passage of this bill.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 7, 1863.

#### AN ACT

To enable Xenia Female Academy to educate males as well as females.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the Xenia Female Academy to provide for the education of males, in said academy, as well as females, if it should be deemed expedient, under such rules and restrictions as said academy may think proper.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### AN ACT

To authorize the surrender of leases on section sixteen, in Guyan township, Gallia county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal and equitable owners of the several leases and sub-leases upon section number sixteen in said Guyan township, are hereby authorized to surrender such leases and sub-leases, and become the purchasers of the tracts specified in the leases and sub-leases so surrendered, upon the terms and conditions specified in the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February 2d, A. D. 1843: *Provided*, That no new appraisement of said lands shall be required, and said leases may be surrendered and payment made for said lands, upon the appraisement now existing thereon.

SEC. 2. This act to take effect on its passage.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 9, 1863.

## AN ACT

To extend the time of payment for school lands in section sixteen, Springfield township, Lucas county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio, That a further period of five years from the day the respective installments become due, be and the same is hereby given to the purchasers of school section of land number sixteen, Springfield township, Lucas county, for the principal of the purchase money thereof: Provided, That the interest and taxes thereon shall be punctually paid according to law: And provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.*

**SEC. 2.** This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 9, 1863.

## AN ACT

To provide for payment of the claim of Henry Ebbert, and for the surrender of \$43,000 of the certificates of stock of the Miami Hydraulic and Manufacturing Company.

**WHEREAS**, Henry Ebbert, on the 10th day of November, A. D. 1858, became the assignee and owner of \$43,000 of the certificates of stock of the Miami Hydraulic and Manufacturing Company, which assignment and transfer was made to him in good faith, to secure him against liability on a draft in favor of W. H. Gibson, issued June 15, 1857, for \$12,000; and

**WHEREAS**, Upon settlement between the state and said company, made subsequent to March 31, 1859, the value of said stock was ascertained to be four thousand nine hundred and ninety-two dollars and fifty-one cents, which amount is now in the treasury of state, held as the property of said W. H. Gibson, to be allowed to him on settlement against any amount due the state from him; and

**WHEREAS**, The claim of said Ebbert is prior and superior to that of the state; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio, That it shall be the duty of the auditor of state to issue his warrant on the treasury in favor of Henry Ebbert, at his request, upon the surrender of said certificates, for said sum of four thousand nine hundred and ninety-two dollars and fifty-one cents, being the amount retained in the treasury of state, as the ascertained value of the stock upon which Ebbert has a lien prior to that of the state of Ohio, as above recited.*

**SEC. 2.** This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

April 10, 1863.

## AN ACT

To authorize the commissioners of Lucas county to build a jail, make contracts, issue bonds, and increase the tax levy upon the taxable property of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the county commissioners of Lucas county be and are hereby authorized to build a jail, and dwelling house adjoining thereto, for the use of the sheriff of said county, and make all contracts that may be required to carry out the provisions of this act.

SEC. 2. That the commissioners of said county be authorized to borrow money for that purpose, in amount not exceeding fifteen thousand dollars, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of said county for the amount of money so borrowed, payable, one-third in five, one-third in ten, and one-third in fifteen years, which bonds shall not be sold for less than par.

SEC. 3. That for the purpose of providing money to build a jail and dwelling-house, and pay the bonds issued for that purpose, said commissioners are hereby authorized to increase the tax levy upon the taxable property of said county, one mill upon the dollar, which money, so raised, shall not be used for any other purpose.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

April 10, 1863.

## AN ACT

For the relief of J. B. H. Bratshaw, treasurer of Muskingum county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* it shall be lawful for the county commissioners of the county of Muskingum, in the state of Ohio, to refund and pay to J. B. H. Bratshaw, the treasurer of said county, the sum of eight hundred and eighty-eight dollars, being the amount paid into said treasury by said Bratshaw, to make up a deficit found and reported in the funds of said treasury on the 3d day of September, A. D. 1862.

SEC. 2. This act shall take effect from its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 11, 1863.

## AN ACT

For the relief of Elizabeth Entz.

WHEREAS, John Entz, late of Greene county, was accidentally killed by being run over by the cars, while on his way to Cincinnati, in response to the call of the governor, of the 2d day of September, A. D. 1862; and whereas, the said John Entz

left surviving him, Elizabeth, his widow, and three children, in destitute circumstances; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the county commissioners of Greene county may, in their discretion, appropriate and pay to the said Elizabeth Entz, out of the general or county fund of said county, any sum not exceeding three hundred dollars.*

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 11, 1863.

#### AN ACT

Supplementary to the act entitled "an act to provide for the regulation and support of common schools in the city of Cleveland," passed March 26th, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That hereafter it shall be the duty of the board of education of the city of Cleveland, in causing the annual enumeration of the youth, of school age, resident in said city, to be so taken as to exhibit in separate lists the entire number of unmarried white and colored youth, within school age, residing in the several school districts or wards of said city, designating between males and females in said lists, which lists said board shall cause to be certified, as prescribed in the act to which this act is supplementary, to the county auditor; and such enumeration so certified shall form the basis for the annual distribution of the school funds belonging to the said city.*

SEC. 2. The said board of education are hereby authorized to provide separate schools for the colored youth of school age residing in said city, apart from the other schools, and at such places and in such number in said city as the said board may deem necessary, not exceeding one such school in each ward of said city; and for the purpose of providing such separate schools for colored youth, the said board is authorized to rent suitable buildings or rooms as may be necessary; and the city council of said city may exercise the same powers in reference to levying taxes, purchasing school lots and building school houses, as in the case of other public schools of said city, on the recommendation of the board of education.

SEC. 3. Any vacancy of membership happening in the board of education, which the board are authorized by law to fill by appointment, shall, when so filled, be taken and regarded as filled for the unexpired term of the elected member whose seat may have become or been declared vacant.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 11, 1863.

#### AN ACT

To authorize the local directors of sub-school district number two, in Fairfield township, in the county of Columbiana, Ohio, to erect a school-house in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the local directors of sub-school district number two, of Fairfield township, in the*

county of Columbiana, are hereby authorized to levy a tax on the taxable property of said district, not exceeding the sum of four thousand dollars, for the purpose of erecting a school-house in said district.

Sec. 2. That whenever said local directors shall deem it expedient to levy said tax, they shall give a written notice by posting the same up in at least five of the most public places, in said district number two, for at least twenty days next preceding the day appointed for such election, notifying the citizens thereof of the time, place and object of holding the election, in which notice the amount or rate of tax, not exceeding the sum of four thousand dollars, proposed to be levied, shall be stated. And the said directors are hereby authorized to act as judges of said election, with authority to appoint two suitable clerks for said election, having the qualifications of an elector, and each elector may have written or printed upon his ticket the words "for the tax," or "against the tax;" and the said directors, in counting out the votes, shall set down in separate columns, in a book provided for that purpose, the votes for the tax, and against the tax, and certify, in the usual manner prescribed by law, in which certificates of votes for candidates are certified at elections; and the directors of said district shall, if a majority of the votes cast at such election be cast in favor of said tax, on or before the first Monday in June next succeeding the taking of said vote, certify to the county auditor of said county that they have submitted the question as to the levy of said tax to said electors, in pursuance of the provisions of this act, and that a majority of the votes so cast at said election were cast in favor of levying said tax, and that the said directors do therefore direct the county auditor aforesaid to levy such sum, to be applied in the erection of a school-house in said district; and the county auditor aforesaid shall thereupon levy and assess such sum of money upon the taxable property of said district; and said tax, when charged upon the duplicate, shall be collected in the same manner, and within the same time, as other taxes charged thereon are collected; and when collected shall be paid over by the treasurer of said county, upon the order of said directors, or a majority of them.

Sec. 8. This act to take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 11, 1863.

#### AN ACT

To authorize the board of education of the incorporated village of Wellington, Lorain county, Ohio, to issue bonds to raise money to purchase a site or sites, and build a school-house or houses in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the board of education of the incorporated village of Wellington, and the territory annexed for school purposes, in the county of Lorain, are hereby authorized to borrow money, not to exceed the sum of ten thousand dollars, for the purpose of purchasing a site or sites, and erecting a school-house or houses thereon in said village, whenever a majority of the legal voters of said village and the territory annexed for school purposes, shall approve the same by ballot, at an election called for that purpose, by the board of education, on giving ten days' notice thereof by posters duly posted up in five public places in said village.

Sec. 2. To secure the payment of the money borrowed as aforesaid, said board of education may issue bonds in sums of not less than fifty nor more than one thousand dollars, at a rate of interest not exceeding six per cent. per annum, payable semi-

annually. The principal of said bonds to be made payable at such times and in such proportions as said board of education may stipulate therein.

Sec. 3. To pay said bonds and the interest on the same as they become due, said board of education are hereby authorized to levy a tax on all the taxable property within the limits of said village of Wellington and the territory annexed for school purposes, not to exceed ten mills on the dollar in each year, until a sufficient amount is raised to pay said bonds and interest thereon and no more, to be entered upon the grand duplicate of the county, and to be collected as other taxes.

Sec. 4. This act to take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 11, 1863.

#### AN ACT

To provide for the sale of school lands belonging to fractional township seven (7) north, of range ten (10) east, in the county of Lucas.

WHEREAS, fractional township seven (7) north, of range ten (10) east, in Lucas county, in the state of Ohio, is entitled to a quarter section of school land, described as the north-east quarter (¼) of section twenty-five (25), in township number seven (7) north, of range number nine (9) east, in said Lucas county, which is valuable for its timber, and which is being injured by trespassers thereon; and as there is not now, and probably will not be, in said fractional township, within a reasonable period of time, twenty electors, so that trustees can, or could be elected to take charge of said school lands, as provided by the act of June 1, A. D. 1831; and as the said fractional township lies, in part, in three civil townships; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a majority of the legal voters, residing in said fractional township, shall file a petition in the court of common pleas of said Lucas county, setting forth that it is the wish of the majority of the legal voters of said fractional township to sell said school lands, and asking the court to appoint three disinterested freeholders, not resident of said fractional township, to divide and value said school lands in money; the court, if satisfied that the statements made in the petition are true, shall proceed, as directed in sections five and six of the act passed April 16, A. D. 1852, entitled "an act to regulate the sale of school lands and the surrender of permanent leases thereto."

Sec. 2. That, on a copy of the records of said court, relating to such proceedings, being filed by the said legal voters, in the office of the auditor of Lucas county, the auditor of said county is hereby authorized to sell said school lands; the sale thereof, and disposition of the proceeds, to be made in conformity with the requirements of the act aforesaid, entitled "an act to regulate the sale of school lands," &c., passed April 16, 1852, and the acts amendatory thereof: *Provided*, That one-fourth of the purchase money shall be paid at the time of sale, and the balance in three annual installments of equal amounts, with annual interest thereon.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 18, 1863.



## AN ACT

To authorize the board of trustees of the Commercial Hospital of the city of Cincinnati to establish a pest-house in Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the Commercial Hospital of the city of Cincinnati are hereby authorized to establish a pest-house in Hamilton county, for the accommodation and treatment of persons afflicted with contagious diseases within said city.

SEC. 2. That said trustees are hereby empowered to select and purchase a site suitable for said purpose, to prepare plans and specifications for the construction of a building, and for such other improvements as they may deem necessary, and to contract for the completion of the same: *Provided*, That twenty days' notice shall be given to contractors in at least two daily papers of general circulation in said county of Hamilton, and said contract shall be awarded in whole or in part to the lowest responsible bidder: *And provided further*, that the cost of said site, and of the improvements thereon, shall not exceed the sum of eighteen thousand dollars.

SEC. 3. That the city council of said city of Cincinnati are hereby authorized to levy a tax not exceeding twenty hundredths of a mill on the grand duplicate on all taxable property in said city of Cincinnati, in the year one thousand eight hundred and sixty-three, the receipts whereof shall be paid into the city treasury as a special fund for the payment of all expenses incurred in carrying out the purposes of this act, and the city treasurer shall disburse the same on the order of the president, countersigned by the secretary, of said board of trustees.

SEC. 4. That in anticipation of the receipt of said levy, the city council are hereby authorized to transfer all the hospital funds now on hand, and, temporarily, such further sums from the general fund to said special fund as may be required for the speedy completion of said pest-house; said sum, so transferred, not to exceed the amount of said levy herein authorized, and to be refunded when paid into the city treasury.

SEC. 5. That said pest-house herein provided for, shall be under the government and control of the board of trustees of said Commercial Hospital, and shall be subject to the laws, ordinances and rules pertaining thereto; and that said board of trustees are hereby authorized to appoint a physician, with such compensation as they may deem proper, whose duty it shall be, under their direction, to attend to the patients in said pest-house.

SEC. 6. That this act shall take effect from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 18, 1863.

## AN ACT

To authorize the commissioners of Hamilton county to surrender toll-roads under their control to the creditors and bond-holders of said roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be legal, by just and equitable arrangements between the commissioners of Hamilton county and the bond-holders and creditors, or either bond-holders or creditors, as the case may be, of any of the toll or turnpike roads, constructed in whole or in part, under authority of the commissioners of Hamilton county, in said county,

and now under their control, to surrender such roads into the control and direction of such bond-holders and creditors, or either thereof; and in entering into such arrangements, it shall require more than one-half in amount of either the bond-holders and creditors, or bond-holders or creditors, as the case may be, to give their assent thereto before the same shall be binding upon the parties thereto.

Sec. 2. That any such surrender being consummated, the parties to which the same is made, for the purpose of controlling, managing, and keeping up any road so surrendered, may become incorporated under the provisions of so much of the act of May 1, 1852, as relates to turnpike and plank-road companies, entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," and the amendments that have been, or may hereafter be made thereto, except so far as the same may be regulated by the provisions of this act; and each bond-holder or creditor shall be entitled to one share of stock in such company for each fifty dollars in amount of such bond or credit.

Sec. 3. That such company or companies formed under the provisions of this act, shall at no time pay a greater interest, or make a larger dividend than six per cent. per annum upon the indebtedness, or the stock of such company; and after keeping their road in repair, and making such improvements upon the same as such companies may think necessary and proper, and the payment of the debt and stocks in such roads, with six per cent. interest thereon, the tolls upon such roads shall be reduced to such rates as will be sufficient to keep such roads in repair: *Provided*, That the commissioners of said county shall at all times have power to prevent any improvements of such roads as they may think unnecessary and improper.

Sec. 4. That the bond-holders or creditors accepting any such surrender, may extend any such road, or consolidate the same with other turnpike roads, so as to form one road or corporation, under such terms as may be agreed upon between the parties interested therein.

Sec. 5. That nothing in this act shall be construed to make the said commissioners or the said county liable for the said bonds or contracts for the improvement or repair of said roads, nor to the creditors thereof.

Sec. 6. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 14, 1863.

#### AN ACT

For the relief of Moses V. Barkalow.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the town council of the town of Franklin, and the school board of district number five, in and surrounding said town of Franklin, both in Warren county, are hereby authorized, if in their opinion it is proper and just so to do, to levy a tax not to exceed three thousand dollars, to refund to Moses V. Barkalow, the treasurer of said town and district, the money stolen from him on the 30th of December, 1862.*

Sec. 2. This act shall take effect from its passage.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate,  
after the adjournment of the Senate.*

April 14, 1863.

OFFICE OF SECRETARY OF STATE,  
Columbus, Ohio, April 25, 1868. }

I hereby certify that the foregoing local laws are correctly copied from the original rolls on file in this office. The last one was signed by Mr. Hitchcock, as set forth by him, after the adjournment of the Senate. The question as to its validity is a judicial one.

W. W. ARMSTRONG,  
*Secretary of State.*

# RESOLUTIONS.

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## JOINT RESOLUTION,

Relative to a vote of thanks to major-general Rosecrans.

*Resolved by the General Assembly of the State of Ohio,* That the thanks of this general assembly are hereby tendered to major-general Rosecrans, staff, officers, and the brave men under their commands, for the glorious victory resulting in the capture of Murfreesboro' and defeat of the rebel forces at that place.

*Resolved,* That the sympathies of the general assembly are extended to the families of the brave and noble patriots that have fallen in defense of freedom and constitutional liberty, and that their memories will ever be cherished by a grateful people.

*Resolved,* That the governor be requested to forward a copy of the foregoing resolutions to general Rosecrans, with the request that they be read to his command.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

January 14, 1863.

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## JOINT RESOLUTION,

Relative to the appointment of a joint committee to inquire concerning charges by railroad companies.

*Resolved by the General Assembly of the State of Ohio,* That a committee of two on the part of the senate and three on the part of the house be appointed to examine and report, at an early day, to the general assembly, whether or not certain railroad companies are not charging the traveling community an excess over the amount allowed by their charters in the state of Ohio; and whether said railroad companies are not charging the shippers of local or seaboard bound freight higher rates than those allowed by their charters or law.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

January 14, 1863.

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## JOINT RESOLUTION,

Relative to further instructing the joint committee appointed under H. J. R. No. 64.

*Resolved by the General Assembly of the State of Ohio,* That the select committee appointed to examine and report, at an early day, to this general assembly, whether

or not certain railroad companies are charging the traveling community an excess over the amount allowed by their charters, be further instructed to examine and report if said railroad companies are or are not charging the shippers of local or seaboard bound freight higher rates than those allowed by their charters or by law.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

January 14, 1863.

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JOINT RESOLUTION,

Relative to the appointment of a joint committee to confer in reference to publishing the proceedings of the general assembly.

*Resolved by the General Assembly of the State of Ohio,* That a committee of three on the part of the house and two on the part of the senate be appointed to confer with the proprietors of the daily papers of this city in relation to the publication of the proceedings of the legislature during the present session, and report the cost per column, solid brevier, as soon as practicable.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

January 20, 1863.

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JOINT RESOLUTION,

Relative to printing the report of the adjutant-general.

*Resolved by the General Assembly of the State of Ohio,* That there be printed seven thousand copies of the report of the adjutant-general, in pamphlet form, and bound in brochure; three thousand copies for the use of the adjutant-general, and the remainder for the use of the general assembly. Also three thousand copies in German—two thousand for the use of the members of the general assembly, and one thousand for the use of the adjutant-general, which it shall be the duty of the adjutant-general to distribute among the German regiments in the service.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

January 20, 1863.

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JOINT RESOLUTION,

Relative to the admission of Frank M. Knox to the lunatic asylum.

WHEREAS, Frank M. Knox, (a lunatic,) formerly a resident of Franklin county, in the state of Ohio, having resided with his family for a short time in the state of Missouri, has lost his residence in this state; and

WHEREAS, Said Knox having returned to Franklin county, Ohio, (his former residence,) for the purpose of making it his permanent residence, has, since his return to the city of Columbus, become insane, so much so as to render it unsafe and dangerous to keep and provide for him in a private family, nor can such attention be given him in a private family as would be likely to insure his speedy recovery; and

WHEREAS, He is, by the 19th section of the act passed April 7th, 1856, entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and care of idiots and the insane," deprived of the right of being admitted into the lunatic asylums of the state of Ohio, he having been absent from the state a sufficient length of time to have lost his residence; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the provisions of the 19th section of said act be suspended so far as to entitle the said Frank M. Knox to all the rights and privileges of a citizen of the state of Ohio, so far as to entitle him to admission into the lunatic asylum of the state, under the same provisions and restrictions as other insane persons are now admitted into said asylums.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

January 21, 1863.

#### JOINT RESOLUTION,

Relative to a joint convention to elect a United States senator.

*Resolved,* That the members of the senate and of the house of representatives meet in the hall of the house in joint convention, on Thursday, the 22d day of January, A. D. 1863, at the hour of 11 o'clock A. M., then and there to elect one United States senator to fill the place of the Hon. B. F. Wade, when his present term of office expires.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

January 21, 1863.

#### JOINT RESOLUTION,

Relative to a vote of thanks to major-general Benjamin F. Butler.

*Resolved by the General Assembly of the State of Ohio,* That major-general Benjamin F. Butler, by reason of his distinguished services to his country, during the present rebellion, is entitled to the grateful acknowledgments and thanks of the loyal people of the country.

*Resolved,* That the governor communicate copies of these resolutions to major-general Butler.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

January 30, 1863.

## JOINT RESOLUTION,

Relating to the expenditure of public money for the construction of a ship canal in the state of Illinois and the enlargement of the canals in the state of New York.

WHEREAS, Large expenditures of money will be required for the payment of the current expenses of the general government, and the prosecution of the war in putting down rebellion ; and

WHEREAS, Bills have lately been introduced in the congress of the United States, contemplating the expenditures of large sums of money for the construction of a ship canal in the state of Illinois, and for the enlargement of the canals in the state of New York ; and

WHEREAS, The true policy of the government, in times like the present, should be to confine its expenditures strictly to its absolute necessities, and to suspend all proposed improvements and other enterprizes that are not immediately necessary in the prosecution of the war ; therefore,

*Resolved by the Senate and House of Representatives of the State of Ohio, That we do hereby earnestly and solemnly protest against the proposed ship canal in the state of Illinois, and the enlargement of the canals in the state of New York, or any other expenditure of money not absolutely necessary for the maintenance of the general government and a vigorous prosecution of the war against rebellion.*

*Resolved, That our senators in congress be, and are hereby instructed, and our representatives requested, to use all their power and influence against the passage of any law looking to projects of internal improvements which are not immediately necessary for a vigorous prosecution of the war to a successful conclusion.*

*Resolved, That the governor is hereby requested to transmit a copy of this preamble and resolutions to each of our senators and representatives in congress, with the request that a copy of the same be laid before their respective houses.*

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

January 31, 1863.

## JOINT RESOLUTION,

Relative to printing and distributing the report of the commissioner of statistics.

*Resolved by the General Assembly of the State of Ohio, That there be printed in English five thousand copies of the report of the commissioner of statistics ; for the use of the commissioner one hundred copies, for the secretary of state fifty copies, and for the state librarian three hundred copies, and the remainder to be distributed to the members of the general assembly ; and in German one thousand copies, to be distributed to the members of the general assembly. All of said reports to be bound in mualin.*

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 11, 1863.

## JOINT RESOLUTION,

Relative to printing the report of the quartermaster-general.

*Resolved by the General Assembly of the State of Ohio, That there be printed of the report of the quartermaster-general, four thousand copies in the English language ;*

one thousand copies for the use of the quartermaster-general, and three thousand copies for the use of the general assembly : also one thousand copies in the German language ; two hundred copies for the use of the quartermaster-general, and eight hundred copies for the use of the general assembly.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 11, 1863.

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JOINT RESOLUTION,

Relative to the appointment of a joint committee to examine and report in regard to clerks employed in the state departments.

*Resolved by the General Assembly of the State of Ohio, (the senate concurring), That a joint committee of three (3) on the part of the house, and two (2) on the part of the senate, be appointed to examine and report to the general assembly the names and number of clerks employed in each of the state offices, the duties and compensation of each, and what, if any, further legislation is needed in reference thereto, with liberty to report by bill or otherwise.*

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 13, 1863.

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JOINT RESOLUTION,

Relative to a vote of thanks to Ohio regiments engaged at the battle of Arkansas Post.

*Resolved by the General Assembly of the State of Ohio, That the thanks of the people of the state are due to the officers and men of the 83d, 96th, and 76th Ohio regiments, and the 17th Ohio battery, for gallantry and good conduct at the capture of Arkansas Post.*

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 13, 1863.

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JOINT RESOLUTION,

Relative to the appointment of a joint committee to invite Gov. Andrew Johnson to address the general assembly.

*Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the house, and two on the part of the senate, be appointed to invite Gov. Andrew Johnson, the patriot and unflinching friend of the Union, to address the general assembly, in the hall of the house, on national affairs, on the 24th day of this month.*

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 18, 1863.



## JOINT RESOLUTION,

Relative to instructing our senators and requesting our representatives in congress to vote for a reduction of the tariff on paper.

WHEREAS, the present duty levied by act of congress on paper imported from other countries, is so high as to prevent competition in our market by inviting supplies from abroad ; therefore,

*Resolved by the General Assembly of the State of Ohio*, That our senators in congress be instructed, and our representatives requested to procure such a modification of the present tariff law, as shall reduce the duty to be levied on imported paper to an amount not exceeding ten per centum.

*Resolved*, That the governor be and is hereby requested to transmit copies of these resolutions to our senators and representatives in congress.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 18, 1863.

## JOINT RESOLUTION,

Relative to the adoption of the secretary of the treasury's system of a national currency.

*Resolved by the General Assembly of the State of Ohio*, That our senators and representatives in congress are hereby requested to use their influence for the passage of a law by the present congress, embodying the general views recommended by the secretary of the treasury in his last annual report on the subject of a national currency ; but so guarded that no greater injury shall be inflicted upon our own bonds and our own system of banking, than may be necessary to the proper carrying out of the secretary's views.

*Resolved*, That the governor be requested to transmit a copy hereof to each of our senators and representatives in congress.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 20, 1863.

## JOINT RESOLUTION,

Relating to requesting the president to reinstate Lieutenant-colonel Peter W. Taylor to his command.

*Resolved by the General Assembly of the State of Ohio*, That the president of the United States be and he is hereby very respectfully requested to reinstate lieutenant-colonel Peter W. Taylor to his command in the 40th regiment O. V. I., in order that he may have a speedy and fair trial.

*Resolved*, That the governor be and he is hereby respectfully requested to forward a copy of the foregoing resolution to the president of the United States.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

February 20, 1863.

## JOINT RESOLUTION,

Relative to the celebration of Washington's birth-day.

*Resolved by the General Assembly of the State of Ohio,* That both branches of the general assembly meet in the hall of the house of representatives, on Monday, the 23d inst., at 7 o'clock P. M., and that the Hon. B. Stanton, president of the senate, be and hereby is respectfully solicited then and there to deliver to the assembly an address on the life and character of George Washington: "first in war, first in peace, and first in the hearts of his countrymen."

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 B. STANTON,  
*President of the Senate.*

February 24, 1863.

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## JOINT RESOLUTION,

Relative to printing, binding and distributing the report of the commissioner of statistics.

*Resolved by the General Assembly of the State of Ohio,* That there be printed in English, five thousand copies of the report of the commissioner of statistics for 1862; for the use of the commissioner, one hundred copies; for the secretary of state, fifty copies; and for the state librarian, three hundred copies; the remainder to be distributed to the members of the general assembly. Also, that there be printed in German, one thousand copies, to be distributed to the members of the general assembly.

All of said reports to be bound in half-binding, in the style of the laws of Ohio. The joint resolution (No. 84) passed February 11, 1863, directing said reports to be bound in muslin, is hereby repealed.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 B. STANTON,  
*President of the Senate.*

February 24, 1863.

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## JOINT RESOLUTION,

Relative to a vote of thanks to the defenders of the southern border of our state.

WHEREAS, during the autumn of the year 1862, the southern border of the state of Ohio was seriously threatened with invasion by armed rebels; and whereas, the governor, in order to repel and drive back these rebel hordes from our borders, did promptly call upon the loyal and patriotic men of the state to arm themselves with their squirrel rifles, and repair at once to the points of danger; and whereas, said call was most nobly responded to by the loyal and patriotic citizens of Ohio, who, at a moment's notice, left their plows, work-shops, stores and offices, and repaired to the points of danger in large and formidable numbers, to defend the free soil of Ohio from invasion; therefore,

*Resolved by the General Assembly of the State of Ohio,* That a vote of thanks be and is hereby tendered to the patriotic citizen soldiers of the state, known by the very significant name of "squirrel hunters," for their gallant conduct in repairing to the

points of danger on the borders, and especially to the city of Cincinnati, and then and there, by their determined presence, defending the state against the threatened invasion by the rebel hordes under the command of general Kirby Smith and other rebel leaders, thereby preventing the sacking of the city of Cincinnati, and the devastation of the fair fields of Ohio.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 3, 1863.

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JOINT RESOLUTION,

Authorizing the secretary of state, under certain circumstances, to procure paper for state use.

*Resolved by the General Assembly of the State of Ohio,* That in case any contractor or contractors with the state of Ohio neglect or refuse to furnish paper as provided for in their contracts, in that case the secretary of state is hereby authorized to procure, for the time being, such paper as may be necessary for current use, on the best terms practicable: *Provided,* That said contractor shall be held liable to the State for the difference between the price of paper stipulated in their contracts and the price paid for paper under this resolution.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 3, 1863.

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JOINT RESOLUTION,

Relative to a *sine die* adjournment of the general assembly.

*Resolved by the General Assembly of the State of Ohio,* That this general assembly adjourn *sine die* on Thursday, the 26th day of March, 1863.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 3, 1863.

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JOINT RESOLUTION,

Relative to a vote of thanks to Maj. Gen. Lew Wallace, for service rendered at Cincinnati.

*Resolved by the Senate and House of Representatives,* That the thanks of the people of this state are due, and are hereby tendered through their general assembly, to Maj. Gen. Lew Wallace, for the signal service he has rendered to the country at large in connection with the army during the present war, and especially for the promptness, energy and skill exhibited by him in organizing the forces, planning the defence and executing the movements of soldiers and citizens under his command, at Cincinnati,

in August and September last, which prevented the rebel forces under Kirby Smith from desecrating the free soil of our noble state.

*Resolved*, That the governor be and he is hereby requested to transmit a copy of these resolutions to Maj. Gen. Lew Wallace.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 4, 1863.

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JOINT RESOLUTION,

Relative to awarding testimonials for services performed by "Squirrel Hunters."

*Resolved by the Senate and House of Representatives of the State of Ohio*, That the governor be and he is hereby authorized and directed to appropriate out of his contingent fund, a sufficient sum to pay for printing and lithographing discharges for the patriotic men of the state, who responded to the call of the governor, and went to the southern border to repel the invader, and who will be known in history as the squirrel hunters.

JAMES R. HUBBELL,  
*Speaker of the Houses of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 11, 1863.

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JOINT RESOLUTION,

Relative to land conveyed by A. A. Bliss to the state of Ohio.

WHEREAS, In or about the year 1837, one Demas Adams, now deceased, purchased of the state of Ohio, the west half of the south-east quarter of section nineteen (19), township six (6), north, range four (4), east, being in the county of Williams, in this state; and whereas, on the 13th day of November, 1851, the said Demas Adams, in his life-time, conveyed by deed of general warranty to Albert A. Bliss, the west half of the north-east quarter of the section, township and range above named, and the said Bliss, for a valuable consideration, and by deed of quit claim, on the 19th day of February, 1852, conveyed the said tract lastly above described (or intended so to do), to the state of Ohio; and whereas, it now appears that the said Adams never had title to the lands he so conveyed to the said Bliss, being in different quarter of the same section, and that the said Adams intended to convey a part of the land he so aforesaid purchased from this state—the deed from Bliss to the state contains the same error in the description—and the said land having been sold by the state, and also wrongfully conveyed by reason of the error committed in the deed from Adams to Bliss, as above mentioned, and the present session of the general assembly having, in consequence of said error, refunded by law to the purchaser of said lands the purchase-money paid for the same; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the attorney-general of this state be and he is hereby directed to institute proceedings at law, or in chancery, without delay, for the recovery of the tract of land first herein above de-

scribed, and report to the commissioners of the sinking fund his proceedings in the premises, from time to time, as the said commissioners may require.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 13, 1863.

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JOINT RESOLUTION,

Relative to printing state reports in German.

*Resolved by the General Assembly of the State of Ohio,* That for the use of the members of the general assembly, for distribution, there shall be printed in the German language, four thousand copies of the report of the auditor of state.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 13, 1863.

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JOINT RESOLUTION,

Requiring the auditor of state to compile certain information, of a military and sanitary character, and authorizing the same to be printed and forwarded to Ohio soldiers in the field.

*Resolved by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby required to cause to be compiled from the governor's message, auditor's, adjutant-general's, quartermaster-general's and surgeon-general's reports, together with the sanitary committee's reports, such military and sanitary information as he may deem useful for our citizens in the army; and that ten thousand copies of said document be printed for the use only of the army, to be forwarded by the governor and auditor to the officers and soldiers from this state.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 16, 1863.

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JOINT RESOLUTION,

Relative to the prosecution of the war against rebellion, and the preservation of the republic.

*Resolved by the General Assembly of the State of Ohio,* That we will have no dissolution of the Union; that we will have no armistice; that we can fight as long as the rebels and traitors can; that the war shall go on until law is restored; and we will never despair of the republic.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 16, 1863.

## JOINT RESOLUTION,

Tendering the thanks of the general assembly to captain Abner Read, commander of United States gunboat "New London."

WHEREAS, commander Abner Read, a native of Champaign county, Ohio, and commander of the United States gunboat "New London," has been in the naval service of the United States during the last twenty years, and has during the present war captured fourteen, and assisted in the capture of nine vessels of the enemy, and also captured two rebel forts—Wood and Pike—and has also received the highest commendation of the commander of the department of the gulf, for "undaunted heroism and gallantry," and for patriotism and honor beyond all question; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That the thanks of this general assembly are hereby tendered to captain Abner Read, commander of the United States gunboat "New London," for his patriotism, his gallantry, and his distinguished services against the enemies of his country.

*Resolved,* That the governor be and is hereby requested to forward a copy of these resolutions to commander Abner Read.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
P. HITCHCOCK,  
*President pro tem. of the Senate*

March 20, 1863.

## JOINT RESOLUTION,

Relative to printing the state auditor's report in advance of other printing.

*Resolved by the General Assembly of the State of Ohio,* That hereafter the annual report of the auditor of state shall be printed, bound and delivered, at the earliest period practicable in the session, and after it is prepared for publication, and in advance of the other executive documents or reports required by law or resolution of the general assembly to be printed, except the governor's message; and that the contractors for the public printing and binding are hereby required to make such arrangement of their work as to give effect to this resolution.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives*  
P. HITCHCOCK,  
*President pro tem. of the Senate.*

March 20, 1863.

## JOINT RESOLUTIONS,

Relative to pledging the support of the state to the general government.

WHEREAS, a republican form of government is believed to rest largely upon the consent of the governed, and can only be maintained, when war is waged for its destruction, by a hearty coöperation of the loyal people of such government; and

WHEREAS, the constitution of the United States, founded by the wisdom and patriotism of our fathers, very wisely provides for a government of legislative, judicial and executive departments, with power believed to be ample to defend the rights the people, maintain the authority of the government, and execute the laws of the nation; and

WHEREAS, an unholy warfare is now waged by certain states against the authority

of the legally constituted government of the country, and as no provision is made by the constitution for the suppression of a rebellion, and the enforcement of the laws, except through the legally constituted authorities of the country, and as the execution of the laws, in a republican or democratic form of government, depends largely upon the loyalty and patriotism of the people; therefore,

*Resolved by the General Assembly of the State of Ohio,* That we deem it proper, as the representatives of the people, to renew our pledges in the name of the people of the state, to the general government, to render it all the aid within our power, both morally and physically, in its laudable efforts to put down the rebellion, preserve the constitution, and restore the union.

*Resolved,* That it is with pain and mortification that we hear of the propositions of either persons or parties in the north, to divide the loyal states with the ultimate design of attaching any portion of those states to the so-called southern confederacy; and that we do, in the name of the people of the state of Ohio, most solemnly protest against such a heresy; believing that it not only proposes the destruction of the constitution and of the Union, but would, if encouraged, result finally in the probable overthrow of our civil liberties.

*Resolved,* That any attempt by persons or parties in the north to divide the territory of the union, while the general government is waging war for its preservation, is an act of disloyalty, giving aid and comfort to the enemies of the country, and is deserving the severest reprehension and condemnation of all loyal men and good citizens.

*Resolved,* That the governor be requested to forward copies of the foregoing preamble and resolutions to the president of the United States, and to each of our senators and representatives in congress.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 24, 1863.

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#### JOINT RESOLUTION,

Authorizing and requiring the secretary of state to test the weights of the inspector of weights and measures of the city of Cincinnati.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state is authorized and required to test the weights of the inspector of weights and measures of the city of Cincinnati, by the state standard of weights now in his custody.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 26, 1863.

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#### JOINT RESOLUTION,

Relative to printing copies of the law for the relief of the families of soldiers.

*Resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing be directed to have printed, for the use of the members of the general assembly, five hundred copies of the law for the relief of soldiers' families.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 26, 1863.

## JOINT RESOLUTION,

Rescinding house joint resolution No. 100, and fixing a day for a *sine die* adjournment of the general assembly.

• WHEREAS, It is obvious, from the situation of business in this general assembly, that it cannot adjourn finally on Thursday, the 26th of March, 1863, as heretofore resolved, with any regard to the important business of the state; therefore,

*Resolved*, the senate concurring, That joint resolution No. 100, for final adjournment on Thursday, the 26th of March, 1863, be and the same is hereby rescinded; and it is hereby resolved that this general assembly shall finally adjourn on Tuesday, the 14th day of April, 1863, at 11 o'clock A. M.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 26, 1863.

## JOINT RESOLUTION,

Requesting the president to consider the propriety of publishing an order in relation to paroled soldiers.

*Resolved by the General Assembly of the State of Ohio*, That the president of the United States be requested to consider the propriety of making an order that officers and soldiers captured and paroled by the rebel forces may be permitted to return to and remain at their homes until exchanged.

*Resolved*, That the governor be requested to forward a copy of these resolutions to the president of the United States.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 3, 1863.

## JOINT RESOLUTIONS,

Relative to lands owned by the state adjacent to the public works.

*Resolved by the General Assembly of the State of Ohio*, That the board of public works are hereby instructed and required to report to the auditor of state, by the first day of September, 1863, by proper description, all the lands owned by the state at or adjacent to the Mercer county and Lewistown reservoir, and all other lands owned by the state at or adjacent to the public works of the state, not including in such report the lands covered by or included in said reservoir, and necessary to the same; and not including such lands as may be necessary to carry out the contract leasing the public works.

*Resolved*, That the board of public works cause the said lands to be appraised by competent and judicious freeholders residing in the neighborhood thereof, and report the appraisal to the auditor of state at the time named in the preceding section.

*Resolved*, That the auditor of state report the list of valuation of the lands aforesaid, and of all other lands owned by the state, with the valuation thereof, if any has



been made, to the general assembly, at the next session ; and that no further sale of such lands be made by the auditor, except in case where he is authorized by law to sell at public vendue, after notice.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

March 2, 1868.

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JOINT RESOLUTION,

Relative to printing the general laws in forms, for distribution to members of the general assembly.

*Resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing is hereby authorized and required to have the general laws of this session of the legislature printed by the state printer, under the present existing contract, as soon as possible after their enactment, in forms of sixteen pages, and that he cause three thousand copies of the same to be equally distributed among the members of the general assembly for their use ; said copies to be furnished out of the twenty-five thousand copies directed to be printed by law.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
B. STANTON,  
*President of the Senate.*

April 7, 1868.

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JOINT RESOLUTIONS,

Relative to apportioning certain rooms in the state house to certain officers therein named.

*Resolved by the General Assembly of the State of Ohio :*

1st. That room No. 27 of the state house, as numbered on the door, be and the same is hereby appropriated and set apart to and for the use of the governor of Ohio.

2d. That room No. 12 of the state house, as numbered on the door, be and the same is hereby appropriated to and for the use of the surgeon-general of the state of Ohio.

8d. That room No. 74 of the state house, as numbered on the door, be and the same is appropriated to and for the use of the secretary of state ; and the superintendent of the state house is hereby authorized and directed to erect such shelving and cases in said room, or others now used by said secretary (other than said room No. 27) as may be necessary for the storage and safe keeping of the stationery required to be kept and distributed by the secretary of state ; all of which to be done under the direction of said secretary.

4th. That the secretary of state be and he is hereby directed to remove from said room No. 27 the stationery now kept therein, and to make such disposition thereof, together with all hereafter furnished to the state, in the rooms appropriated to his use, as he may think proper ; and the superintendent of the state house is hereby authorized and directed to provide for said room No. 27 such additional furniture as may be

necessary to render the same comfortable for the use of the governor, without, however, interfering with the cases or shelving therein.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### JOINT RESOLUTION,

Relative to authorizing the auditor of state to contract for gas for the use of the state.

*Resolved by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized and required to contract with the Columbus gas and coke company for the purchase of such quantity of gas to be supplied to all the state institutions in or near the city of Columbus, and to the state house, as from time to time may be needed by said institutions and state house, for and during the period of two years from and after the expiration of the existing contract, at a price not to exceed two dollars and fifty cents per thousand cubic feet; to be measured at the buildings where used.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### JOINT RESOLUTION,

Relative to printing resolutions of thanks to Major-General Rosecrans, and the correspondence in connection therewith.

*Resolved by the Senate and House of Representatives of the State of Ohio,* That twenty-five thousand copies of the resolutions of thanks of this general assembly to Maj. Gen. Rosecrans, with the correspondence of the governor and the reply of Gen. Rosecrans thereto, and the address of the Ohio soldiers, with the correspondence connected therewith, be printed for the use of the members of the general assembly.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 B. STANTON,  
*President of the Senate.*

April 9, 1863.

#### JOINT RESOLUTION,

Relative to authorizing the board of public works to adjust and collect claims due the state for delinquent leases of water-power.

*Resolved by the General Assembly of the State of Ohio,* That the board of public works are hereby requested to close all claims due the state of Ohio, for delinquent leases of water-power and other unliquidated claims due on account of the public

works of the state, and are hereby authorized and requested to collect, without delay, all such as are considered good and collectable, and to adjust all such as are considered doubtful and bad, by compromise, as in their opinion is for the best interest of the state, and when so adjusted, to give a full and complete discharge.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

April 10, 1863.

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JOINT RESOLUTION,

Relative to printing, binding and distributing the report of the commissioner of statistics ; and rescinding house joint resolution No. 94.

*Resolved by the General Assembly of the State of Ohio,* That there be printed and bound in muslin five thousand copies of the report of the commissioner of statistics for 1862, in English, and one thousand in German, to be distributed as follows : For the use of the commissioner, one hundred copies ; for the secretary of state, fifty copies ; and for the state librarian, three hundred copies ; the remainder to be distributed among the members of the general assembly. House joint resolution No. 94, in relation to printing and binding the report of the commissioner of statistics for 1862, passed February 24, 1863, is hereby rescinded.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate.*

April 11, 1863.

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JOINT RESOLUTION,

Relative to authorizing the governor to remove the bodies of deceased soldiers to Green Lawn Cemetery.

WHEREAS, A number of Union soldiers have died at Camp Chase and other camps in the vicinity of Columbus, and have been buried at places in many cases not at all suitable for the last resting-place for those brave men who have thus lost their lives in the service of their country ; and,

WHEREAS, The trustees of Green Lawn Cemetery, which is located near the city of Columbus, Ohio, have very generously donated a beautiful lot of ground within their cemetery, for the purpose of affording a suitable and proper place of burial of those brave and patriotic men. Therefore,

*Resolved by the General Assembly of the State of Ohio,* That the governor be and he is hereby authorized, in his discretion, to contribute out of his extraordinary military contingent fund, any sum of money not exceeding the sum of five hundred dollars, for the purpose of taking up and removing the dead bodies of those brave men to Green Lawn Cemetery, there to be properly interred in the grounds donated for that purpose as aforesaid.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

B. STANTON,

*President of the Senate*

April 11, 1863.

## JOINT RESOLUTIONS,

Relative to contributions made by the patriotic ladies of Ohio, of clothing, hospital stores and other comforts, for Union soldiers.

WHEREAS, The assiduous and unremitting efforts of the ladies of this state in the preparation of clothing, hospital stores and other comforts for the army, have resulted most happily in relieving a vast amount of suffering and contributed largely to ameliorate the hardships to which our brave soldiers are exposed while in arms, battling for the preservation of our government; and,

WHEREAS, The sanitary commission, an organization instituted and designed as an agency for transmitting to the army in a more efficient, economical and direct manner such articles as may be contributed by the benevolent for the comfort of our soldiers, has proven to be a valuable auxiliary to the government in the accomplishment of this purpose; and,

WHEREAS, These kind offices on the part of our people, either in their individual or associate capacity, have been so important to the service as to be altogether indispensable, and all performed voluntarily, generously, and without recompense, other than that which flows from the consciousness of doing a kind action, and merit at the hands of this body a public recognition. Therefore,

1st. *Resolved by the General Assembly of the State of Ohio*, That the thanks of this body are due and are hereby tendered to the ladies of our state, as individuals, or in their associate capacity of soldiers' aid societies or otherwise, for their laudable and most praiseworthy efforts in relief of the wants and necessities of our patriotic soldiery. That the energy and self-sacrificing devotion manifested by this class of our citizens is worthy and does receive our highest admiration. That the importance of this work is such that we would sincerely deplore any decline in the zeal and determination which have hitherto so eminently distinguished this movement, until the want that exists shall be fully met and satisfied; and in the name of the thousands of noble and patriotic men who are exposed to hardships, toils and perils, in maintaining our cherished institutions, we solicit continued exertions in this behalf.

2d. *Resolved*, That in the sanitary commission we recognize an institution eminently qualified to accomplish the object had in view, in its organization, to wit: to be an auxiliary to the government, supplementing its efforts in providing for the comfort of the army by procuring and transmitting delicacies and medical stores for the sick, clothing and provisions for the needy, and whatever else is calculated to soothe, to comfort and to bless; which undertakes, as a kind friend and companion, to follow the soldier in his marches, administer to him in sickness or health the bounty of his friends or of a benevolent public, cheering, consoling and sustaining him when the shock of battle has left him wounded and fainting upon the field, as an angel of mercy appearing to remove him to a place of shelter where his wounds may be dressed and remedies applied for his recovery; or if death at once should close his suffering and existence, to insure him a decent and respectful burial. If disabled in battle or broken in health, requiring his discharge from the service, far from friends and destitute of means, volunteers to furnish him advice and assistance, and to provide him in the soldiers' home a resting-place until he can be safely conveyed to his family and friends. We can but admire the humane and generous spirit which prompted and sustains this movement, and deem it proper to extend to all who co-operate in this noble undertaking the well-earned tribute of the thanks of this general assembly for the zeal, energy and good results which have attended its prosecution in the past, and most cordially commend it to the kind consideration and confidence of the public, in the hope that its good fruits in the future may be even more abundant.

3d. *Resolved*, That the government be requested to transmit copies of this pre-

amble and resolutions to the several soldiers' aid societies and branches of the sanitary commission in this state.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 B. STANTON,  
*President of the Senate.*

April 13, 1863.

#### JOINT RESOLUTION,

Directing the secretary of state to forward the laws and other documents to members of the general assembly.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be, and he is hereby authorized and directed to forward to the members the number of copies of the report of commissioner of statistics, appropriated to each according to H. J. R. No. 106, the same to be boxed with the laws and journals of this session, and sent to the county seat of the respective members, directed to the care of the county auditor; and the secretary of state is further directed to apportion equally among the members of the general assembly, the 25,000 copies of Rosecrans' address and accompanying papers heretofore ordered printed, as soon as they are published, and distribute the same to the several members by express, the charge to be paid from the secretary's contingent fund. Any other document remaining undistributed after adjournment, and for which no provision has been made, shall be apportioned equally among the members, and distributed by the secretary of state, by express or by mail, so as may be most economical and proper, the expense to be paid as above.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives.*  
 P. HITCHCOCK,  
*President pro tem. of the Senate,*  
*after adjournment of the Senate.*

April 14, 1863.

#### JOINT RESOLUTION,

Relative to authorizing the governor to appoint a day of thanksgiving and prayer.

*Resolved by the General Assembly of the State of Ohio,* That the governor be, and he is hereby requested, in the course of the present year, to issue his proclamation designating a day of public thanksgiving and prayer to Almighty God, for his blessings vouchsafed to the people of Ohio.

JAMES R. HUBBELL,  
*Speaker of the House of Representatives*  
 P. HITCHCOCK,  
*President pro tem of the Senate,*  
*after the adjournment of the Senate.*

April 14, 1863.

## JOINT RESOLUTION,

Relative to authorizing the secretary of state to distribute by mail the laws of the present general assembly, to certain officers.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be and he is hereby directed to forward by mail, as fast as printed, after the adjournment, the remainder of that portion of the laws and resolutions of this session, which were by joint resolution No. 111, directed to be furnished to the members; one copy of each form to be sent to the clerk of the court, prosecuting attorney, probate judge, and auditor of the several counties in this state, and the residue to the members of the general assembly, in equal proportion. The secretary of state is hereby authorized to pay the postage out of his contingent fund, and so much of said joint resolution No. 111 as is inconsistent herewith, is hereby rescinded.

JAMES R. HUBBELL,

*Speaker of the House of Representatives.*

P. HITCHCOCK,

*President pro tem. of the Senate.*

*after the adjournment of the Senate.*

April 14, 1863.

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OFFICE OF SECRETARY OF STATE,  
Columbus, Ohio, April 25, 1863. }

I hereby certify that the foregoing joint resolutions are correctly copied from the original rolls, on file in this office. The last three were signed by Mr. Hitchcock, as set forth by him, after the adjournment of the Senate.

W. W. ARMSTRONG,

*Secretary of State.*

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## TIMES OF HOLDING COURTS.

### FIRST DISTRICT.

#### DISTRICT COURT.

Hamilton—1st term—3d Monday in April.  
“ 2d term—1st Monday in October.

#### COMMON PLEAS.

Hamilton, 1st Monday in January, 1st Monday in June, 1st Monday in November.

### SECOND DISTRICT.

#### DISTRICT COURT.

Butler, April 27; Preble, April 21; Darke, May 7; Montgomery, May 11; Miami, May 13; Champaign, May 15; Clarke, May 18; Green, May 22; Warren May 28; Clinton, June 3.

#### COMMON PLEAS.

Butler, February 9, May 18, October 26.  
Darke, March 9, July 27, November 16.  
Preble, February 16, May 25, October 26.  
Champaign, February 16, June 15, October 19.  
Montgomery, March 9, June 22, November 9.  
Miami, April 7, August 24, December 7.  
Clinton, February 16, June 22, October 5.  
Clarke, March 23, July 13, November 16.  
Green, February 23, June 22, October 5.  
Warren, March 23, July 13, November 16.

### THIRD DISTRICT.

#### DISTRICT COURT.

Legan, April 22; Union, April 21; Marion, April 24; Hardin, June 4; Shelby, April 27; Anglaize, April 30; Allen, May 1; Mercer, April 29; Van Wert, May 2; Putnam, June 14; Paulding, May 4; Defiance, May 5; Williams, June 11; Fulton, June 10; Henry, May 6; Wood, June 13; Seneca, June 8; Hancock, June 5; Wyandot, June 3; Crawford, June 1.

#### COMMON PLEAS.

Legan, January 1, March 9, September 7.  
Union, January 19, March 30, September 29.  
Marion, January 26, April 6, October 14.  
Hardin, February 2, April 18, October 26.  
Shelby, January 12, March 23, September 21.  
Anglaize, February 8, April 14, September 29.  
Allen, February 24, April 28, October 20.

Mercer, March 17, May 12, November 10.  
 Van Wert, February 17, April 21, October 14.  
 Putnam, March 10, May 5, November 8.  
 Paulding, March 24, October 14.  
 Defiance, January 26, May 11, October 6.  
 Williams, February 24, June 22, November 10.  
 Fulton, February 10, May 26, October 27.  
 Henry, February 8, May 19, October 20.  
 Wood, March 10, June 9, November 24.  
 Seneca, March 23, July 20, November 2.  
 Hancock, February 23, May 19, November 10.  
 Wyandot, February 23, July 6, October 5.  
 Crawford, March 9, July 13, October 19.

#### FOURTH DISTRICT.

##### DISTRICT COURT.

Lucas, April 20; Sandusky, April 27; Ottawa, April 28; Erie, May 4; Huron, May 7; Lorain, August 31; Medina, September 2; Summit, September 4; Cuyahoga, September, 8.

##### COMMON PLEAS.

Erie, February 23, May 18, October 5.  
 Huron, March 16, June 15, October 26.  
 Lucas, February 16, May 25, November 2.  
 Sandusky, February 16, May 11, November 9.  
 Ottawa, March 24, May 12, November 3.  
 Lorain, January 26, April 20, October 26.  
 Medina, February 10, May 5, November 10.  
 Summit, February 17, May 12, November 17.  
 Cuyahoga, February 9, May 18, November 9.

#### FIFTH DISTRICT.

##### DISTRICT COURT.

Madison, May 6; Franklin, May 8; Pickaway, May 12; Fayette, May 15; Highland, September 22; Adams, September 25; Brown, September 28; Clermont, October 1; Ross, October 5.

##### COMMON PLEAS.

Adams, February 24, July 14, October 20.  
 Brown, March 10, July 28, November 3.  
 Clermont, March 24, August 11, November 17.  
 Ross, March 3, June 2, November 10.  
 Highland, February 10, May 19, October 27.  
 Fayette, March 31, July 14, November 3.  
 Franklin, February 23, May 18, November 2.  
 Pickaway, March 3, June 9, October 27.  
 Madison, March 24, June 23, October 20.

## SIXTH DISTRICT.

## DISTRICT COURT.

Holmes, June 2d ; Wayne, June 3d ; Ashland, June 5th ; Richland, June 6th ;  
Morrow, June 10th ; Delaware, June 13th ; Knox, June 17th ; Licking, June 22d ;  
Coshocton, June 29th.

## COMMON PLEAS.

Knox, March 3d, May 12th, October 27th.  
Licking, March 31st, August 11th, November 17th.  
Delaware, February 9th, April 27th, October 5th.  
Coshocton, March 16th, August 24th, December 14th.  
Wayne, February 24th, August 11th, November 17th.  
Holmes, February 10th, May 12th, November 3d.  
Ashland, February 10th, April 21st, October 21st.  
Morrow, March 10th, May 5th, November 3d.  
Richland, February 23d, August 11th, November 17th.

## SEVENTH DISTRICT.

## DISTRICT COURT.

Washington, April 16th ; Meigs, April 20th ; Gallia, April 22d ; Lawrence,  
April 24th ; Pike, April 29th ; Scioto, April 27th ; Perry, September 1st ; Fair-  
field, September 3d ; Hocking, September 7th ; Athens, September 9th ; Vinton,  
September 11th ; Jackson, September 14th.

## COMMON PLEAS.

Perry, March 9th, May 18th, October 12th.  
Hocking, February 23d, May 4th, September 28th.  
Fairfield, March 23d, June 1st, October 26th.  
Lawrence, February 10th, May 12th, September 22d.  
Vinton, February 10th, May 12th, September 22d.  
Jackson, February 24th, May 26th, October 14th.  
Pike, March 10th, June 9th, October 27th.  
Scioto, March 17th, June 16th, November 3d.  
Washington, February 19th, May 21st, October 8th.  
Athens, March 19th, June 18th, November 5th.  
Meigs, March 2d, June 1st, October 19th.  
Gallia, March 9th, June 8th, October 26th.

## EIGHTH DISTRICT.

## DISTRICT COURT.

Muskingum, September 1st ; Morgan, September 4th ; Noble, September 8th ;  
Guernsey, September 10th ; Monroe, September 14th ; Belmont, September 16th ;  
Jefferson, September 18th ; Harrison, September 23d ; Tuscarawas, September 25th.

## COMMON PLEAS.

Muskingum, February 16th, May 18th, October 26th.  
Morgan, March 24th, June 16th, October 14th.

Noble, March 10th, June 2d, October 6th.  
 Monroe, February 17th, May 19th, October 27th.  
 Belmont, March 3d, June 16th, November 10th.  
 Guernsey, February 16th, May 18th, October 26th.  
 Harrison, February 10th, May 12th, October 20th.  
 Tuscarawas, February 24th, May 26th, November 3d.  
 Jefferson, March 10th, June 9th, November 17th.

## NINTH DISTRICT.

### DISTRICT COURT.

Portage, May 7th; Stark, April 20th; Columbiana, April 25th; Carroll, April 23d; Lake, May 11th; Geauga, May 12th; Ashtabula, May 14th; Trumbull, May 1st; Mahoning, April 20th.

### COMMON PLEAS.

Carroll, February 10th, May 19th, October 14th.  
 Stark, February 23d, June 1st, October 26th.  
 Mahoning, February 9th, May 18th, October 14th.  
 Columbiana, March 2d, June 1st, November 2d.  
 Portage, February 9th, May 18th, October 14th.  
 Trumbull, March 2d, June 1st, November 9th.  
 Lake, February 2d, May 18th, September 21st.  
 Geauga, February 11th, May 25th, September 29th.  
 Ashtabula, February 23d, June 8th, October 12th.

## JUDGES.

*First District.*—M. W. Oliver, Nicholas Headington, Charles C. Murdock.

*Second District.*—Alexander F. Hume, David L. Meeker, Ebenezer Parsons, George J. Smith, William White.

*Third District.*—William Lawrence, Benjamin F. Metcalf, Alexander S. Latty, M. C. Whitely, Josiah S. Plants.

*Fourth District.*—John Fitch, John L. Greene, S. F. Taylor, W. H. Canfield, Stevenson Burke, Horace Foote, Thomas Bolton, James M. Coffinberry.

*Fifth District.*—James L. Bates, Thomas D. Ashburn, R. M. Briggs, Alfred L. Dickey.

*Sixth District.*—William Sample, George W. Geddes, William Given, T. C. Jones.

*Seventh District.*—John Welsh, W. W. Johnson, John P. Plyley, P. B. Ewing, P. Van Trump.

*Eighth District.*—Nathan Evans, Ezra E. Evans, John W. Okey, George W. McIlvaine.

*Ninth District.*—J. W. Church, Jacob A. Ambler, Norman L. Chaffee, Charles E. Glidden.







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